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Committee on Economic, Social and Cultural Rights

Report on the forty-eighth and forty-ninth sessions

(30 April–18 May 2012, 12–30 November 2012)

Economic and Social Council

Official Records, 2013

Supplement No. 2

United Nations

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Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/2013/22
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Chapter I
Organizational and other matters

A. Resolution adopted by the Economic and Social Council

1. The Committee on Economic, Social and Cultural Rights welcomes Economic and Social Council resolution 2012/29 of 27 July 2012, in which the Council approved the extension of two sessions of the Committee by one week each, as well as the participation of up to 10 members in its pre-sessional working group meetings of 2013. The Committee looks forward to the decision of the General Assembly in this regard.

2. The Committee will continue to keep the Economic and Social Council informed of its discussions regarding working methods which the Committee has been continuously seeking to improve. The Committee will also continue to transmit to the Council draft decisions regarding its requirements for meeting time which would enable it to discharge its responsibilities under the International Covenant on Economic, Social and Cultural Rights and Economic and Social Council resolution 1985/17 in an efficient, effective and timely manner.

B. States parties to the Covenant and its Optional Protocol

3. As at 30 November 2012, the closing date of the forty-ninth session of the Committee, 160 States were parties to the International Covenant on Economic, Social and Cultural Rights. The Covenant was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. It entered into force on 3 January 1976 in accordance with the provisions of its article 27. Also as at 30 November 2012, with the ratification by Slovakia on 7 March 2012, eight States were parties to the Optional Protocol to the Covenant. The Optional Protocol was adopted by the General Assembly in resolution 63/117 on 10 December 2008 and was opened for signature and ratification in New York on 24 September 2009. It will enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

C. Sessions and agenda

4. The Committee, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at a subsequent session. The Council, in its resolution 1995/39 of 25 July 1995, endorsed the recommendation of the Committee.

5. In 2012, the Committee held its forty-eighth session from 30 April to 18 May, and its forty-ninth session from 12 to 30 November. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is included in annex II to the present report.

6. An account of the Committee's deliberations at its forty-eighth and forty-ninth sessions is contained in the relevant summary records (E/C.12/2012/SR.1–17 and 28 and E/C.12/2012/SR.29–46 and 58, respectively).

D. Membership and attendance

7. All members of the Committee attended the forty-eighth and forty-ninth sessions (see list of members, annex I to the present report). Three outgoing members were thanked for their dedication and work with the Committee: Ms. Rocío Barahona Riera, Mr. Eibe Riedel and Mr. Philippe Texier.

8. An election was held to fill the casual vacancy as per rule 12 of the provisional rules of procedure of the Committee on Economic, Social and Cultural Rights (E/C.12/1990/4/Rev.1). On 27 July 2012, by decision 2012/201 B, the Economic and Social Council elected Ms. Maria-Virginia Bras Gomes (Portugal) by acclamation for a term beginning on 1 January 2013 and expiring on 31 December 2014 to replace Mr. Riedel.

9. At the forty-eighth session the Committee elected Mr. Aslan Abashidze to replace Mr. Zdzislaw Kedzia as Vice-Chair for the remainder of his unexpired term as officer on the Bureau of the Committee, that is until 29 April 2013.

10. The following specialized agencies and United Nations organs and departments were invited to be represented by observers at the forty-eighth and forty-ninth sessions: the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the International Monetary Fund (IMF), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Human Settlements Programme (UN-Habitat), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO) and the World Bank.

11. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

At the forty-eighth session:

Special consultative status or roster:	Amnesty International; Association des Badinga du Congo; Association for the Prevention of Torture (APT); Center for Economic and Social Rights, Madrid; Center for Reproductive Rights; Corps de Réflexion et de Planification pour l'Utilité Sociale (CORPUS); European Disability Forum; Foodfirst Information and Action Network (FIAN International); Geneva for Human Rights-Global Training; International Federation for Human Rights Leagues (FIDH), International Rehabilitation Council for Torture Victims; International Service for Human Rights (ISHR); International Volunteerism Organization for Women, Education and Development (VIDES); Movimiento Manuela Ramos; Programme on Women's Economic Social and Cultural Rights (PWESCR); World Organisation Against Torture (OMCT); World Vision International

At the forty-ninth session:

Special consultative status or roster: Centre for Civil and Political Rights (CCPR); Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC); FIAN International; Geneva for Human Rights-Global Training (GHR); International Association of Penal Law (AIDP); International Federation of Human Rights Leagues (FIDH); International Organization for the Right to Education and Freedom of Education (OIDEL); International Society for Human Rights (ISHR); Planned Parenthood Global; Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO); Society for Development and Community Empowerment (SDCE)

12. The following other national and international non-governmental organizations and coalitions of national non-governmental organizations were represented by observers at the forty-eighth and forty-ninth sessions. Forty-eighth session: African Association of Education for Development; African Rights Monitor; Citizens' Labour Rights Protection League; International Commission of Jurists; International Disability Alliance; International Human Rights Network (Réseau International des Droits Humains); Spanish Trade Union of Tax Officers. Forty-ninth session: Association for Community Development and Human Technology; Bulgarian Gender Research Foundation (BGRF); Ecumenical Advocacy Alliance; Humanium; Icelandic Human Rights Centre; International Voluntary Organisation for Women, Education and Development; Ligue Ivoirienne des Droits de l'Homme (LIDHO); Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale (OCAPROCE); National Organization for Children, Women and Family (ONEF); Sussex Centre for the Individual and Society (SCIS).

E. Pre-sessional working group

13. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

14. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the forty-ninth session:

Mr. Mohammed Abdel-Moneim

Mr. Zdzislaw Kedzia

Mr. Eibe Reidel

Ms. Heisoo Shin (Chairperson)

Mr. Renato Ribeiro Leão

Prior to the fiftieth session:

Mr. Aslan Abashidze

Mr. Clement Atangana

Mr. Jaime Marchán Romero

Mr. Waleed Sadi (Chairperson)

Mr. Nicolaas Schrijver

15. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 21 to 25 May 2012 and from 3 to 7 December 2012. All designated members of the working group attended the meetings. The working group identified additional issues that could be addressed to the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

F. Organization of work

Forty-eighth session

16. The Committee considered its organization of work at its 1st meeting on 30 April 2012. In connection with this item, the Committee had before it the following documents:

(a) Provisional agenda and tentative programme of work for the forty-eighth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/48/1);

(b) Report of the Committee on the work of its forty-sixth and forty-seventh sessions.[1]

17. In accordance with rule 8 of its rules of procedure, the Committee, at the same meeting, considered the provisional agenda and tentative programme of work for its forty-eighth session and approved them, as amended during consideration.

Forty-ninth session

18. The Committee considered its organization of work at its 29th meeting on 12 November 2012. In connection with this item, the Committee had before it the following documents:

(a) Provisional agenda and tentative programme of work for the forty-ninth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/49/1 and Corr.1);

(b) Report of the Committee on the work of its forty-sixth and forty-seventh sessions.[2]

19. In accordance with rule 8 of its rules of procedure, the Committee, at the same meeting, considered the provisional agenda and tentative programme of work for its forty-ninth session and approved them, as amended during consideration.

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[1] *Official Records of the Economic and Social Council, 2012, Supplement No. 2* (E/2012/22-E/C.12/2011/3).

[2] Ibid.

G. Next sessions

20. In accordance with the established schedule, the fiftieth and fifty-first sessions will take place at the United Nations Office at Geneva from 29 April to 17 May 2013 and from 4 or 11 to 29 November 2013, respectively.[3]

H. States parties' reports scheduled for consideration by the Committee at its upcoming sessions

21. In accordance with rule 61, paragraph 2, of the Committee's rules of procedure, the reports submitted by States parties under article 16 of the Covenant are scheduled for consideration in the order in which they have been received by the Secretary-General. The Committee had received as at 30 November 2012, closing date of the forty-ninth session, the following reports, which it decided to consider at its fiftieth and fifty-first sessions in 2013.[4]

Fiftieth session (29 April–17 May 2013)	
Azerbaijan	E/C.12/AZE/3
Denmark	E/C.12/DNK/5
Iran (Islamic Republic of)	E/C.12/IRN/2
Jamaica	E/C.12/JAM/3-4 and Corr.1
Japan	E/C.12/JPN/3
Rwanda	E/C.12/RWA/2-4
Togo	E/C.12/TGO/1

Fifty-first session (4 or 11 to 29 November 2013)	
Albania	E/C.12/ALB/2-3
Djibouti	E/C.12/DJI/1-2
Egypt	E/C.12/EGY/2-4
Gabon	E/C.12/GAB/1
Kuwait	E/C.12/KWT/2
Lithuania	E/C.12/LTU/2
Norway	E/C.12/NOR/5

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[3] Pending approval by the General Assembly of the request for additional meeting time (see para. 1 above).

[4] Subject to change; see paras. 1 and 20 above.

22. The Committee has decided to address the situation of long-overdue reports, in accordance with its established procedure and in chronological order. At present, 33 States parties have initial reports overdue to the Committee. Of those reports, 22 are more than 10 years overdue. Letters indicating that the Committee will proceed to review the implementation of the Covenant have been sent to the Congo, Equatorial Guinea and Niger. The list of States parties with initial reports that are long overdue (i.e., overdue by more than 10 years) is as follows:

> Bangladesh, Burkina Faso, Burundi, Cape Verde, Central African Republic, Congo, Côte d'Ivoire, Dominica, Equatorial Guinea, Grenada, Guinea, Guinea-Bissau, Lesotho, Malawi, Mali, Namibia, Niger, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Somalia and Uganda.

23. As at 30 November 2012, the number of reports submitted and pending consideration before the Committee was 49.

Chapter II
Overview of the present working methods of the Committee

24. The present chapter of the Committee's report is aimed at providing a concise and up-to-date overview and explanation of the ways in which the Committee carries out its various functions, including information about recent developments in its working methods. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

25. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods that adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 49 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General reporting guidelines

26. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, in 2008, the Committee adopted revised reporting guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant,[5] with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

27. A pre-sessional working group meets for five days prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

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[5] *Official Records of the Economic and Social Council, 2009, Supplement No. 2* (E/2009/22-E/C.12/2008/3), annex VIII.

28. The principal purpose of the working group is to identify in advance additional questions that will assist the Committee in preparing for the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion.[6]

29. With regard to its own working methods, the working group, in the interest of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific report and for putting before the working group a preliminary list of issues. Each draft by a country rapporteur is revised and supplemented on the basis of observations by the other working group members and the final version of the list is adopted by the working group as a whole. This procedure applies equally to both initial and periodic reports.

30. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat.

31. The lists of issues drawn up by the working group are sent to the State party concerned, with a note stating the following:

> The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be made available to all members of the Committee.

2. Consideration of reports

32. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States should be present at the meetings of the Committee when their reports are examined in order to ensure a constructive dialogue with the Committee. The following procedure is generally observed: the representative of the State party is invited to introduce the report by making brief introductory comments and providing any new information that may be relevant to the dialogue. The Committee then considers the report by clusters of articles (usually articles 1–5, 6–9, 10–12 and 13–15), taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue and then invite the State party representatives to reply immediately to questions that do not require further reflection or research. Any remaining questions are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, without raising issues outside the scope of the Covenant, repeating questions already posed or answered, adding unduly to an already long list on a particular issue, or speaking for more than five minutes in any one intervention.

33. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. The country rapporteur prepares, with the

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[6] Ibid., *1988, Supplement No. 4* (E/1988/14-E/C.12/1988/4), chap. IV, para. 361.

assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction, positive aspects, principal subjects of concern and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

34. The concluding observations, once formally adopted, are generally made public on the final day of the session. They are forwarded as soon as possible to the State party concerned and included in the Committee's report.

35. In general, the Committee devotes two to three meetings (of three hours each) to its public examination of States parties' reports. In addition, it generally devotes between three and five hours towards the end of the session, in private, to its discussion of each set of concluding observations. At its forty-sixth session in May 2011, the Committee agreed, in principle, to devote only two meetings to consideration of periodic reports, on a temporary basis, with a view to preventing the backlog of reports pending consideration from growing, while at the same time requesting additional meeting time from the Economic and Social Council. Accordingly, at the forty-ninth session, the Committee considered the periodic reports of Bulgaria, Ecuador and Iceland over two meetings only. The initial reports of Mauritania and the United Republic of Tanzania were considered over three meetings. Two non-reporting States were also considered, namely Equatorial Guinea and the Congo; for these, the Committee used up to one meeting only.

3. Comments by States parties on concluding observations

36. Once the Committee has adopted its concluding observations on the report of a State party, and if the latter submits any comments thereon to the Committee, these are made public, as submitted, and mentioned in the annual report. Comments from States parties are published for information purposes only.

37. During the reporting period, the Committee received comments from Germany on the concluding observations that the Committee adopted at its forty-sixth session in relation to the fifth periodic report submitted by Germany (E/C.12/DEU/CO/5).

4. Postponement of the consideration of reports

38. Last-minute requests by States to postpone the consideration of a report that has been scheduled for examination at a particular session are extremely disruptive for all concerned and have in the past caused major problems for the Committee. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State party concerned.

C. Follow-up procedure in relation to the consideration of reports

39. At its twenty-first session,[7] the Committee decided that:

(a) In all concluding observations, the Committee would request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

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[7] On 1 December 1999 (53rd meeting).

(b) Where appropriate, the Committee may, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

(c) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond to any pressing specific issue identified in the concluding observations prior to the date that the next report is due to be submitted;

(d) Any information provided in accordance with (b) and (c) above would be considered by the next meeting of the Committee's pre-sessional working group;

(e) In general, the pre-sessional working group could recommend that the Committee take one of the following measures:

(i) That the Committee take note of such information;

(ii) That the Committee adopt specific additional concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Chairperson of the Committee be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(f) If the information requested in accordance with (b) and (c) above is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.

40. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach. In particular, the Committee may request that the State party concerned accept a visit from one or two members of the Committee. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; and (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

41. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services, to be provided by the Office of the High Commissioner.

42. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned does not accept the proposed mission, the Committee will consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

43. The Committee believes that a situation of persistent non-reporting by States parties undermines one of the foundations of the Covenant.

44. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session, it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. At its thirty-sixth session, the Committee adopted the following procedure:

(a) To review three lists of States parties whose reports are overdue:

(i) States parties with reports that were due within the past eight years;

(ii) States parties with reports that were due from 8 to 12 years ago;

(iii) States parties with reports that were due more than 12 years ago;

(b) To send reminders to States parties as follows:

(i) The first letter will be sent to all States parties about the dates on which their reports are due; those with overdue reports will be reminded and requested to submit those reports as soon as possible;

(ii) A second letter will be sent to States parties with the most outstanding and overdue reports that do not respond to the reminder, informing them that the Committee plans to consider the overdue report(s) at a specific session in the future, and requesting that those reports be submitted in sufficient time to allow a constructive dialogue to take place;

(iii) A third letter will be sent if no response is received to the second letter, confirming that the Committee will proceed to review the implementation of the Covenant in the State party, in the absence of a report, at the session communicated in the earlier letter in the light of all available information;

(c) In situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, the Chairperson may decide to defer its consideration of the implementation of the Covenant in the State party for one session.

E. Submission of several reports in one document

45. At its 55th meeting, held on 22 November 2006 (thirty-seventh session), the Committee reviewed the situation of overdue reports, including recent submissions of several long-overdue reports, and decided as follows:

(a) The Committee will accept from States parties that have never submitted a report under the Covenant, a one-time submission of up to three reports consolidated in a single document, in order to bring them up to date with their reporting obligations;

(b) A consolidated report should contain a general overview of important developments in relation to the implementation of the Covenant over the entire period covered by the reports submitted and present up-to-date detailed information on the present situation.

46. At its 28th meeting, held on 18 May 2012 (forty-eighth session), the Committee decided to review the situation of accepting combined reports. The Committee decided that each report will constitute one report rather than be considered a combination of several reports. The Committee also decided to define the due date of the next periodic report as five years following the date of the dialogue, rather than generate due dates every five years irrespective of the date of the submission of the report or the dialogue. This is a temporary measure which takes into account the delays caused by the significant backlog of reports pending consideration before the Committee.

F. Action by the Committee with regard to information on economic, social and cultural rights received from sources other than the States parties

1. Information provided in connection with the consideration by the Committee of a State party report

47. The Committee also takes into account the information provided to it by sources other than the State party in connection with its consideration of a State party's report. That information, being an integral part of the Committee's constructive dialogue with a State party, is made available by the secretariat to the State party concerned through the web page of the Office of the United Nations High Commissioner for Human Rights in advance of the Committee's consideration of the report of that State party.

2. Information received following consideration by the Committee of a State party report and adoption of concluding observations

48. On various occasions in the past, the Committee has received information, mainly from non-governmental organizations, after consideration of the State party's report and adoption of concluding observations thereon. In fact, this was follow-up information on the Committee's conclusions and recommendations. Not being in a position to consider and act upon such information without reopening its dialogue with a State party (except in cases specifically addressed in concluding observations), the Committee will consider the information received from sources other than a State party only in cases where such information has been specifically requested in its concluding observations.

49. The Committee considers that, following its consideration of the State party report and adoption of concluding observations, the primary responsibility for their implementation lies with the State party, which is bound to report on measures taken in this respect to the Committee in its next periodic report. Therefore, the Committee recommends that information referred to in the preceding paragraph be submitted by authors directly to national competent authorities with a view to assisting them in implementing the Committee's concluding observations.

3. Information provided with respect to non-reporting States parties

50. The Committee has also been receiving information from international and national non-governmental organizations on the status of the implementation of economic, social and cultural rights by:

(a) States parties that have not submitted any report at all since ratification of the International Covenant on Economic, Social and Cultural Rights and its entry into force;

(b) States parties with long-overdue periodic reports.

51. In both cases, the States parties' failure to comply with their obligations under the Covenant, and in particular with their reporting obligations, had made it impossible for the

Committee to monitor effectively the implementation by those States of the economic, social and cultural rights set forth in the Covenant in accordance with the mandate conferred on the Committee by the Economic and Social Council.

52. At its thirtieth session in 2003, the Committee, in a spirit of open and constructive dialogue with States parties, decided that, in both cases referred to above, it may take the following action on a case-by-case basis:

(a) The Committee may informally bring to the attention of the State party concerned the information received and urge the State party to submit its overdue report without further delay, including responses to the information received;

(b) The Committee may formally — through a letter from the Chairperson — bring to the attention of the State party concerned the information received and urge the State party to submit its overdue report without further delay. The Committee may formally request the State party to provide it with information addressing issues raised in the submissions of non-governmental organizations and to submit its overdue report without further delay. That letter will also be made available to the non-governmental organizations concerned upon request.

G. Day of general discussion

53. The Committee may decide to devote one day of a session, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is threefold: such a general discussion assists the Committee in developing in greater depth its understanding of the relevant issues; it enables the Committee to encourage inputs into its work from all interested parties; and helps the Committee to lay the basis for a future general comment. The issues that have been the focus of discussions held to date by the Committee may be found in annex V to the present report.

H. Other consultations

54. The Committee has sought to coordinate its work with that of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations bodies, both in its work as a whole and, more particularly, in the context of its general discussions. It has also consistently invited individuals, such as special procedures mandate holders of the Human Rights Council and the former Commission on Human Rights and Sub-Commission on the Promotion and Protection of Human Rights, chairpersons of Council and Commission working groups and others, to address it and engage in discussions.

55. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added to its understanding of some aspects of the questions arising under the Covenant.

I. Participation of non-governmental organizations in the work of the Committee

56. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it.[8] They may do so in writing at any time prior to the consideration of a given State party's report. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organization, provided that it relates to matters on the agenda of the working group. In addition, as of November 2012, the Committee sets aside part of the first two Mondays at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (a) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be credible; (d) not be abusive. The relevant meeting is open and provided with interpretation and press services.

57. The Committee has requested the secretariat to ensure that written information formally submitted to it by non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representatives of the State party concerned. Prior to a session, this is normally done through posting on the website of the Office of the High Commissioner for Human Rights. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

58. In an effort to secure the most effective and widest possible participation of non-governmental organizations in its activities, the Committee adopted, at its twenty-fourth session in 2000, a document that explains the modalities of their participation in the Committee's work and provides detailed guidelines for non-governmental organizations with a view to facilitating their cooperation with the Committee.[9]

J. General comments

59. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the Covenant, in particular with a view to assisting the States parties in fulfilling their obligations under the Covenant. As at 30 November 2012, the Committee had adopted 21 general comments (see annex III to the present report).

60. By the end of its forty-ninth session (30 November 2012), the Committee and the governmental expert sessional working group, which existed prior to the creation of the Committee, had examined partial reports concerning rights covered by articles 6–9, 10–12 or 13–15 of the Covenant, and comprehensive reports covering all the substantive articles, submitted by 126 of the 160 States parties to the Covenant. They represented all regions of the world, with different political, legal, socioeconomic and cultural systems. The reports submitted to date have illustrated many of the problems that might arise in implementing the Covenant.

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[8] *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex V: "Non-governmental organization participation in the activities of the Committee on Economic, Social and Cultural Rights".

[9] Ibid.

61. Through its general comments, the Committee endeavours to make the experience gained through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

62. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights enshrined in the Covenant.[10] The Committee agreed that the subject matter of a particular general comment would influence the overall structure of that comment and observed that the outline was not intended to be strictly adhered to. However, the outline provided useful signposts, a checklist of issues to be considered in the process of drafting a general comment. In this respect, the outline would assist in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments are reader-friendly, of reasonable length and readily understandable to a broad range of readers, primarily States parties to the Covenant. The outline will assist in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility, and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

K. Statements adopted by the Committee

63. With a view to assisting States parties to the Covenant, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues bearing upon the implementation of the Covenant. As at 30 November 2012, the Committee had adopted 21 statements (see annex IV to the present report).

64. During the current reporting period, the Committee adopted one statement, (see section A of annex VI to the present report).

Chapter III
Submission of reports by States parties under articles 16 and 17 of the Covenant

65. In accordance with rule 58 of its rules of procedure, the Committee, at its 29th meeting on 12 November 2012, considered the status of submission of reports under articles 16 and 17 of the Covenant.

66. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/2008/2);

(b) Note by the Secretary-General on the States parties to the Covenant and the status of submission of reports as at 18 July 2012 (E/C.12/49/2).

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[10] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), annex IX.

67. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its forty-eighth and forty-ninth sessions (see paras. 68 and 69 below), he had received, from 2 December 2011 to 30 November 2012, the following reports submitted under articles 16 and 17 of the Covenant by States parties:

> The fourth periodic report of Chile (E/C.12/CHL/4); the initial report of Gambia (E/C.12/GMB/1); the third periodic report of Guatemala (E/C.12/GTM/3); the initial report of Indonesia (E/C.12/IDN/1); the third periodic report of Ireland (E/C.12/IRL/3); the second periodic report of Kyrgyzstan (E/C.12/KGZ/2); the fourth periodic report of Mongolia (E/C.12/MNG/4); the initial report of Montenegro (E/C.12/MNE/1); the third periodic report of Venezuela (Bolivarian Republic of) (E/C.12/VEN/3); the second periodic report of Sudan (E/C.12/SDN/2); the fifth periodic report of Italy (E/C.12/ITA/5); the initial report of Thailand (E/C.12/THA/1); the second periodic report of Greece (E/C.12/GRC/2); the second to fourth periodic report of Guyana (E/C.12/GUY/2-4) and the sixth periodic report of Canada (E/C.12/CAN/6).

Chapter IV
Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant and the situation in a State party in the absence of a report

68. At its forty-eighth session, the Committee examined the following reports submitted by five States parties under articles 16 and 17 of the Covenant:

Combined initial, second and third periodic report	
Ethiopia	E/C.12/ETH/1-3
Second periodic report	
Slovakia	E/C.12/SVK/2
Combined second to fourth periodic report	
Peru	E/C.12/PER/2-4
Third periodic report	
New Zealand	E/C.12/NZL/3
Fifth periodic report	
Spain	E/C.12/ESP/5

69. At its forty-ninth session, the Committee examined the following reports submitted by five States parties under articles 16 and 17 of the Covenant:

Initial report	
Mauritania	E/C.12/MRT/1

Combined initial, second and third periodic report	
United Republic of Tanzania	E/C.12/TZA/1-3
Third periodic report	
Ecuador	E/C.12/ECU/3
Fourth periodic report	
Iceland	E/C.12/ISL/4
Combined fourth and fifth periodic report	
Bulgaria	E/C.12/BGR/4-5

70. As decided during its forty-seventh session in November 2011, the Committee proceeded, during the forty-ninth session, with the consideration of the implementation of the Covenant in two non-reporting States: Equatorial Guinea and the Congo.

71. At its eighth session, the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. Reference is made, in this regard, to the relevant summary records of the meetings of the Committee at which the reports were considered. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should include the Committee's concluding observations relating to each State party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis in alphabetical order, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its forty-eighth and forty-ninth sessions. In addition to these, the following paragraphs also contain the observations adopted with respect to the two non-reporting States. In accordance with established Committee practice members do not take part in the dialogue with the delegation, the drawing up or the adoption of the concluding observations relating to their own country's report.

Forty-eighth session

72. Ethiopia

(1) The Committee on Economic, Social and Cultural Rights considered the combined initial, second and third periodic reports of Ethiopia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ETH/1-3) at its 15th, 16th and 17th meetings, held on 9 and 10 May 2012 (E/C.12/2012/SR.15–17), and adopted, at its 28th meeting held on 18 May 2012, the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the combined initial, second and third periodic reports of Ethiopia, although regrettably submitted with a significant delay, and notes the replies to the list of issues, made available to the Committee only on the day prior to the dialogue with the State party's delegation.

(3) The Committee welcomes the initial and frank dialogue it had with the delegation of the State party, but regrets the absence of experts from relevant ministries and Government departments, who could have provided it with detailed information concerning the enjoyment of Covenant rights in the State party and the challenges faced by the State party in the full implementation of the Covenant.

B. Positive aspects

(4) The Committee notes with appreciation efforts made by the State party in promoting the implementation of economic, social and cultural rights. The Committee welcomes in particular:

(a) The significant poverty reduction achieved since 2004, as a result of the prioritization of poverty reduction in the State party's development policies, strategies and programmes;

(b) The establishment of a National Steering Committee against Sexual Exploitation of Children and the formulation of an Action Plan on Sexual Abuse and Exploitation of Children 2006–2010;

(c) The criminalization under national legislation of the practice of female genital mutilation;

(d) The definition of trafficking in persons as a crime under the Criminal Code.

C. Principal subjects of concern and recommendations

(5) The Committee is concerned that despite the constitutional provision making international agreements ratified by the State party an integral part of the law of the land, no information has been made available illustrating the actual application of the Covenant. This might indicate that the International Covenant on Economic, Social and Cultural Rights has not been invoked nor applied by the courts.

The Committee requests the State party to submit in its next periodic report detailed information on cases before the courts in which the Covenant provided the legal basis for or was invoked in the court decisions.

(6) The Committee notes with concern that the Ethiopian Human Rights Commission has not yet applied for accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The Committee is concerned about the level of compliance of the Ethiopian Human Rights Commission with the Paris Principles.

The Committee recommends that the State party take all the necessary steps in order to ensure that the status of the Ethiopian Human Rights Commission, including mandate, independence, and capacities, fully complies with the Paris Principles.

(7) The Committee notes with concern that certain provisions of the Charities and Societies Proclamation (No. 621/2009) have had a profound obstructive effect on the operation of human rights organizations. It is also concerned that the Charities and Societies Agency has frozen assets of some of those organizations, including the Ethiopian Women Lawyers Association, forcing them to downsize, close regional offices and suspend some of their services.

The Committee recommends that the State party amend the Proclamation No. 621/2009, with a view to omitting provisions restricting the work of human rights organizations and lifting the funding restrictions, and unblock all the assets of local human rights NGOs.

(8) The Committee is concerned that the State party has not yet adopted a comprehensive anti-discrimination bill. The Committee also notes with concern that the Penal Code criminalizes homosexuality (art. 2).

The Committee recommends that the State party adopt a comprehensive anti-discrimination bill, and take urgent steps to amend the Penal Code to decriminalize homosexuality. The Committee recommends that the State party take steps to combat

and prevent discrimination and societal stigma, in particular against persons with disabilities, LGBT individuals, as well as persons belonging to marginalized and disadvantaged groups, and ensure their enjoyment of the rights enshrined in the Covenant, in particular access to employment, social services, health care, and education. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

(9) The Committee is concerned that unemployment is high in the State party, in spite of the high rate of economic growth. The Committee is also concerned that unemployment among women is higher than that among men, unemployment of young people remains high and that access to employment for the most disadvantaged and marginalized individuals and groups such as youth, persons with disabilities and women is limited (art. 6).

The Committee recommends that the State party take steps to significantly reduce unemployment and enhance the access to employment for the most disadvantaged and marginalized individuals and groups, including youth, persons with disabilities and women.

(10) The Committee is concerned that persons working in the informal economy face unsafe and unhealthy conditions of work and often work for more than the 48-hour maximum legal workweek (art. 7).

The Committee recommends that the State party take measures to regularize the situation of informal sector workers by progressively improving their working conditions and including them in social security schemes. It also recommends that the State party establish a data-collection system to monitor unemployment and informal sector employment.

(11) The Committee is concerned that the State party has not set a national minimum wage. The Committee is also concerned that wage differences between men and women continue to exist (art. 7).

The Committee recommends that the State party take legislative and other measures to introduce a national minimum wage. It recommends that the State party ensure that the national minimum wage is periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living. The Committee also recommends that the State party take measures to ensure equal pay for work of equal value for men and women.

(12) The Committee is concerned that the right to form and/or join trade unions is not fully guaranteed in law and practice, and that public sector workers, in particular teachers, have allegedly experienced dismissals and transfers in connection with trade union activity. It is also concerned that section 421 of the Criminal Code provides for imprisonment for public servants who have gone on strike (art. 8).

The Committee recommends that the State party guarantee, in law and practice, the right to form and/or join trade unions, in particular by civil servants, including teachers, judges, prosecutors and security service workers. It also urges the State party to conduct a full and independent inquiry into allegations of violation of teachers' trade union rights, including dismissals and transfers of teachers linked to their involvement in trade unions. The Committee also recommends that the State party amend the Criminal Code so as to remove the sentence of imprisonment for public servants who have gone on strike.

(13) The Committee is concerned that, the State party has not yet introduced a universal social security system (art. 9).

The Committee recommends that the State party take steps to establish a universal social security system, in line with the Committee's general comment No. 19 (2007) on the right to social security. It also recommends that the State party introduce legally established and periodically reviewed amounts of benefits, at a level sufficient to ensure an adequate standard of living for the population.

(14) The Committee notes with concern that, in spite of the criminalization of the practice of female genital mutilation (FGM), it remains highly prevalent in rural areas. The Committee is concerned that domestic violence continues to be under-reported, that disaggregated data on prosecution and conviction rates in relation to violence against women are absent, and that victim assistance and rehabilitation services are lacking. The Committee is also concerned that marital rape has not yet been criminalized under the Criminal Code (art. 10).

The Committee recommends that the State party ensure effective enforcement of the Criminal Code provisions criminalizing FGM and domestic violence. The Committee recommends that the State party amend its Criminal Code to criminalize marital rape. It recommends that the State party ensure prosecution of perpetrators and impose appropriate penalties, and ensure the provision of mandatory training to judges, prosecutors and the police on these various types of violence against women and on the application of the Criminal Code. The Committee furthermore urges the State party to raise awareness among women and girls so as to encourage reporting of acts of violence, and ensure the availability of adequate victim assistance and rehabilitation services.

(15) The Committee notes with concern the prevalence of child labour, with a large percentage of children under the age of 14 who are engaged in economic activity and do not attend school. The Committee notes with concern the increased risk for children without parental care and children from disadvantaged and marginalized families of being engaged in the worst forms of child labour (art. 10).

The Committee recommends that the State party adopt measures to combat, prevent and eliminate the prevalence of child labour. It also recommends that the State party adopt targeted measures to ensure that children without parental care and children from disadvantaged and marginalized families are not engaged in child labour.

(16) The Committee is concerned that despite concerted efforts by the State party to address internal trafficking and sexual exploitation of children, the problem remains widely prevalent (art. 10).

The Committee recommends that the State party intensify its efforts to prevent and combat the trafficking and sexual exploitation of children, including through the adoption of a new national plan of action to combat the problem.

(17) The Committee notes with concern that, despite progress made following targeted measures by the State party, a high number of children continue to live in the street (art. 10).

The Committee recommends that the State party intensify its efforts to address the root causes of the issue of street children, with the aim of their protection, rehabilitation and social integration, and to ensure that they have access to education, shelter and health care.

(18) The Committee notes with concern the high level of child abuse, in particular sexual abuse. The Committee is also concerned that corporal punishment is lawful in the home and alternative care settings for purposes of "proper upbringing", under article 576 of the Criminal Code and article 258 of the Family Code (art. 10).

The Committee recommends that the State party take urgent steps to combat and prevent child abuse and neglect, including through establishing effective mechanisms for the reception, monitoring and investigation of reports of cases of child abuse. The Committee also urges the State party to amend its Criminal Code and Family Code as a matter of priority to prohibit corporal punishment in child-rearing in the home and alternative care settings.

(19) The Committee is concerned that, despite remarkable progress achieved in poverty reduction since 2004, the levels of poverty and extreme poverty, especially in rural areas, remain high (art. 11).

The Committee recommends that the State party take all necessary steps to further reduce poverty and extreme poverty, in particular in rural areas. The Committee requests the State party to include in its next periodic report disaggregated and comparative data, by year and by rural and urban regions, as well as indicators on the number of persons living in poverty and extreme poverty, and on the progress made in its efforts to combat poverty. The Committee draws the State party's attention to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted on 4 May 2001 (E/2002/22-E/C.12/2001/17, annex VII).

(20) The Committee is concerned about the acute housing shortage in the State party, overcrowding, the poor quality of accommodation, the lack of basic services, and the high percentage of the urban population living in slums.

The Committee recommends that the State party take urgent measures to ensure access to adequate and affordable housing with legal security of tenure for everyone, introduce a public housing scheme, build more low-cost housing for disadvantaged and marginalized individuals and groups, and take priority measures for homeless persons and persons living in sub-standard housing in shanty towns. It requests the State party to include in its next periodic report information on the extent and the root causes of homelessness in the State party. The Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing.

(21) The Committee is concerned about reports that the Voluntary Resettlement Program, as described in the State party report, entails the forced eviction of thousands of people in various regions of the State party, who are relocated to villages that lack basic infrastructure, such as health clinics, clean water supplies and schools, as well as agricultural assistance or food assistance (art. 11).

The Committee urges the State party to ensure that the relocation of people is done on a voluntary basis, following prior consultation, to provide adequate compensation or alternative accommodation to those people that have been forcibly evicted, and to guarantee that people living in relocation sites are provided with basic services (including drinking water, electricity, and washing, sanitation and transportation facilities) and adequate facilities (including schools and health-care centres). The Committee draws the State party's attention to its general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.

(22) The Committee notes with concern the prevalence of chronic food insecurity and malnutrition, in particular amongst children (art. 11).

The Committee recommends that the State party take steps to address chronic food insecurity, chronic malnutrition and the critical nutritional needs of children. The Committee also urges the State party to ensure that the population of the Somali National Regional State of Ethiopia benefits from State-run food aid and rural development plans.

(23) The Committee is concerned that a large percentage of households in rural areas as well as people living in refugee camps do not have ready access to safe drinking water and sanitation, with over half of the households having to make a long journey to fetch drinking water (art. 11).

The Committee recommends that the State party take steps to improve the accessibility to safe drinking water and sanitation, in particular in rural areas as well as in refugee camps.

(24) The Committee is concerned that the construction and operation of the Gilgel Gibe III hydroelectric dam will have a significant negative impact on the traditional practices and means of subsistence of indigenous peoples who rely on the Omo River, potentially endangering local food security (art. 11).

The Committee recommends that the State party continue to identify and address the adverse social and environmental impact of the Gibe III dam. The Committee also urges the State party to initiate, prior to construction of hydroelectric projects, comprehensive impact assessments as well as extensive consultations with affected communities, involving genuine opportunities to present views and influence decision-making.

(25) The Committee is concerned that there is no universal health-care coverage. It is also concerned about the low number of qualified health-care professionals per capita in certain regions and critical shortages at health centres, both in medical equipment and staff. The Committee also notes with concern the high rate of maternal and infant mortality, and the low number of births that are assisted by a skilled attendant, especially in rural areas. It is further concerned that access to maternal and infant health care remains poor, in particular in the Somali National Regional State of Ethiopia (art. 12).

The Committee recommends that the State party intensify its efforts to improve health services, including through allocation of increased resources and measures to address significant rural and urban disparities in health-care provision. It recommends that these efforts in particular focus on the training of health extension workers and the adequate provision of medical equipment and staff at health centres. The Committee also recommends that the State party take urgent steps to reduce the high rate of maternal and infant mortality and to ensure that births are assisted by a skilled attendant. It recommends that the State party intensify its efforts to improve access by women to basic obstetric and neonatal care, reproductive health services, and to basic health-care centres, in particular in rural areas.

(26) The Committee is concerned that primary education is neither free nor compulsory, notwithstanding the efforts made by the State party to this end. It is also concerned about low primary school enrolment and attendance rates, including for refugee children, high dropout rates, the gender gap in enrolment, the insufficient number of trained teachers, and the poor quality of education. The Committee also notes with concern that the literacy rates in rural areas, in particular among women and girls, remain low (arts. 13 and 14).

The Committee recommends that the State party strengthen its efforts and take urgent measures to ensure that primary education is free and compulsory for all children, in line with articles 13 and 14 of the Covenant, and that the age of completion of compulsory schooling is set at 14 years. It recommends that the State party take urgent steps to increase primary school enrolment and attendance rates, including for children with disabilities, decrease the high dropout rate, and address indirect and hidden costs of school education, and the gender gap in enrolment rates. It also recommends that the State party take measures to train more teachers, especially female, and further increase the number of school facilities, in particular in

rural areas. The Committee furthermore recommends that the State party take steps to increase the literacy rate in rural areas, in particular of women and girls.

(27) The Committee is concerned that, despite efforts made by the State party, ethnic groups continue in practice to suffer from discrimination in the exercise of their right to participate fully in cultural life. Furthermore, it is concerned that many of these ethnic groups suffer from stigmatization and hostility, including by law enforcement officials (art 15).

The Committee recommends that the State party further strengthen necessary measures to ensure equal treatment for all ethnic groups thereby guaranteeing their right to a cultural identity and that the relevant recommendations made by the Independent Expert on minorities be implemented.

(28) **The Committee recommends that the State party provide in its next periodic report detailed information on the legislative and other measures it has taken to protect the traditional knowledge of indigenous communities, including the establishment of the appropriate Fund.**

(29) **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

(30) **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

(31) **The Committee requests the State party to submit its fourth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 18 May 2017.**

73. New Zealand

(1) The Committee on Economic, Social and Cultural Rights considered the third periodic report of New Zealand on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/NZL/3) at its 9th, 10th and 11th meetings, held on 4 and 7 May 2012, and adopted, at its 28th meeting, held on 18 May 2012, the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the third periodic report of New Zealand which is self-critical and describes the measures taken to implement the recommendations made by the Committee in its previous concluding observations. The Committee also welcomes the written replies to its list of issues (E/C.12/NZL/Q/3/Add.1). The Committee appreciates the quality of information contained in both documents.

(3) The Committee notes with appreciation the frank, positive and constructive engagement of the State party's delegation with the Committee.

B. Positive aspects

(4) The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention against Torture on 14 March 2008, the Convention on the Rights of Persons with Disabilities on 25 September 2008, and the Optional Protocol to the

Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 20 September 2011. The Committee also welcomes the State party's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples.

(5) The Committee welcomes the range of measures taken by the State party to promote the realization of economic, social and cultural rights, noting the following in particular:

(a) The recognition of sign language as an official language;

(b) The entitlements for refugees and asylum seekers introduced under the Immigration Act 2009;

(c) The development and implementation of the new education curriculum which is more responsive to the diversified student population of the State party;

(d) In the area of family protection, the adoption of the Civil Union Act 2004, the Relationships (Statutory References) Act 2005 and the extension of the relationship property regime to de facto couples; the introduction of paid parental leave; and the adoption of the Crimes (Substituted Section 59) Amendment Act 2007 prohibiting corporal punishment by parents.

(6) The Committee notes some practical achievements in the realization of economic, social and cultural rights, in particular, the significant improvement in the immunization rate among Māori, the low rates of hardship among older persons and the notable reduction of unemployment during the reporting period.

(7) The Committee notes with appreciation the State party's policy of mainstreaming of human rights in its development cooperation programmes.

(8) The Committee commends the work undertaken by the New Zealand Human Rights Commission. The Committee also notes with appreciation that the State party has continuingly expanded the mandate of the Human Rights Commission to respond to evolving needs.

C. Principal subjects of concern and recommendations

(9) In view of the State party's dualist regime, the Committee is concerned that, notwithstanding existing legislation providing for some elements of economic, social and cultural rights, the provisions of the Covenant have not been fully incorporated into the domestic legal order (art. 2, para. 1).

The Committee urges the State party to take the necessary measures, in the context of the ongoing constitutional review process, to give the Covenant full effect in its domestic legal order. The Committee also calls on the State party to ensure that redress for violations of the Covenant rights can be sought through the State party's varied recourse mechanisms. The Committee requests that the State party provide in its next periodic report information on court cases where the provisions of the Covenant have not only been invoked but also applied.

(10) The Committee is concerned that economic, social and cultural rights are not recognized in the Bill of Rights adopted by the State party in 1990. Moreover, the Committee is concerned that the legislative and policymaking processes do not allow for a review of the compatibility of draft laws, regulations and policies with the rights enshrined in the Covenant (art. 2, para. 1).

The Committee urges the State party to incorporate economic, social and cultural rights into the 1990 Bill of Rights. The Committee also calls upon the State party to take steps so that the competent authorities review draft laws, regulations and policies to ensure their compatibility with the provisions of the Covenant. The Committee

recommends that the State party make additional efforts to raise awareness of economic, social and cultural rights among parliamentarians and policymakers.

(11) The Committee is concerned that the State party does not give sufficient protection of the inalienable rights of indigenous people to their lands, territories, waters and maritime areas, and other resources, as manifested by the fact that Māori free, prior and informed consent on the use and exploitation of these resources has not always been respected (arts. 1, para. 2; and 15).

The Committee calls on the State party to ensure that the inalienable rights of Māori to their lands, territories, waters and marine areas and other resources as well as the respect of the free, prior and informed consent of Māori on any decisions affecting their use are firmly incorporated in the State party's legislation and duly implemented.

The Committee also urges the State party to take the necessary measures to guarantee Māori right to redress for violations of these rights, including through the implementation of the recommendations of Waitangi Tribunal's proceedings, and to ensure that Māori receive proper compensation and enjoy tangible benefits from the exploitation of their resources.

(12) The Committee is concerned that Māori and Pasifika continue to be disadvantaged in the enjoyment of economic, social and cultural rights, in spite of measures taken by the State party and improvements in the area of health and education (art. 2, para. 2).

The Committee calls on the State party to strengthen its efforts aimed at eliminating the disadvantages faced by Māori and Pasifika in the enjoyment of economic, social and cultural rights by addressing structural factors and ensuring that relevant measures effectively benefit the most disadvantaged. The Committee also recommends that the State party set specific equality targets by year and closely monitor their achievement. The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

(13) The Committee is concerned that persons with disabilities continue to be disadvantaged in the enjoyment of economic, social and cultural rights, in spite of the numerous measures taken by the State party. The Committee expresses concern in particular at the insufficiency of measures in place, legislative or otherwise, to promote the employment of persons with disabilities and at the difficulties faced by persons with intellectual disabilities in accessing some health services (art. 2, para. 2).

The Committee calls upon the State party to (a) introduce incentives and other special measures to promote the employment of persons with disabilities; (b) explicitly regard denial of reasonable accommodation as a form of discrimination; (c) ensure that its primary health system is adequately equipped to provide care to persons with intellectual disabilities.

The Committee recommends that the State party collect data to monitor the enjoyment of economic, social and cultural rights by persons with disabilities and provide information and statistical data in this respect in the next periodic report. The Committee also calls on the State party to take all appropriate measures to ensure that the position of Disability Commissioner is established on a permanent basis.

(14) The Committee notes with concern the horizontal and vertical occupational segmentation by gender in the State party, which constitutes an obstacle to addressing the gap in the remuneration between men and women. The Committee notes with particular concern that the wage gap is more significant in the public sector. Moreover, the Committee is concerned that the provisions of the 1972 Equal Pay Act, which make it unlawful for employers to pay different wages to employees with the same or similar

qualifications, fall short of the requirement of article 7 of the Covenant. Furthermore, the Committee notes with concern that arrangements in place for monitoring discrimination in remuneration and for seeking redress, are inadequate (arts. 3 and 7).

The Committee recommends that the State party continue to educate men and women about equal career opportunities with a view to promoting their pursuance of education and training in fields other than those traditionally dominated by either sex and take specific measures to promote women's advancement in the labour market. The Committee also calls upon the State party to amend its legislation on equality in employment so as to effectively provide for equal pay for work of equal value and apply the Job Evaluation Tool to this effect. Moreover, the Committee urges the State party to take steps, with a clear timeline, to correct the gender wage gap in the public sector.

The Committee requests that the State party provide in its next periodic report information on the implementation of the response plans mentioned in the State party's report, and on job revaluation undertaken and remedial settlements paid.

(15) The Committee remains concerned that unemployment continues to disproportionately affect young persons (art. 6).

The Committee recommends that the State party include in its strategy for boosting skills and employment targeted measures to address the obstacles impeding young persons' access to employment. In this regard, the Committee refers the State party to its general comment No. 18 (2005) on the right to work.

(16) The Committee is concerned that the omission of a statutory maximum number of work hours in the Health and Safety in Employment Act falls short of the requirements of article 7 of the Covenant regarding the protection of workers' right to rest and reasonable limitation of working hours. The Committee is also concerned at reports that some collective agreements fail to specify work hours, which is in contravention of the State party's legislation (art. 7).

The Committee recommends that the State party introduce a statutory maximum number of work hours. The Committee also calls on the State party to promptly investigate all allegations of violations of labour laws.

(17) The Committee expresses concern about the retrogressive nature and the possible discriminatory impact of welfare reforms, including those currently before the Parliament, particularly in light of the State party's recovery from an economic downturn (art. 9).

The Committee urges the State party to meet its obligations under the Covenant by ensuring that welfare reforms, including those aimed at reducing long-term welfare dependency, protect the right to social security and to an adequate standard of living in respect of disadvantaged and marginalized individuals and groups. The Committee calls on the State party, in particular, to reconsider the work-test requirements being introduced and also to ensure that income management is applied on an individual basis and according to need. The Committee draws the attention of the State party to its general comment No. 19 (2007) on the right to social security, and its open letter on economic, social and cultural rights, and economic and financial crisis, dated 16 May 2012.

(18) The Committee is concerned that, in spite of the measures taken by the State party, family violence and sexual violence continue to be a problem, affecting in particular Māori women (art. 10).

The Committee recommends that the State intensify its measures to combat family violence and also adopt, as a priority, a framework for the implementation of the

recommendations of the Taskforce for Action on Sexual Violence. The Committee requests that the State party provide in the next periodic report information on results achieved, including updated statistical data on the incidence of family violence and sexual violence.

(19) The Committee notes with concern that violence and bullying in schools are widespread in the State party (art. 10).

The Committee recommends that the State party (a) systematically collect data on violence and bullying in schools; (b) monitor the impact of the student mental health and well-being initiatives recently introduced in schools on the reduction of the incidence of violence and bullying; and (c) assess the effectiveness of measures, legislative or otherwise, in countering violence and bullying.

(20) The Committee notes with concern the shortage of childcare facilities in the State party and regrets that childcare subsidies under the Working Families Scheme have reportedly benefited mainly middle and higher income households (arts. 9 and 10).

The Committee calls on the State party to take specific measures to increase the number of childcare facilities and to ensure that the most disadvantaged and marginalized groups also have access to such services.

(21) The Committee notes the challenges caused by the recent earthquakes on the enjoyment of Covenant rights by persons affected, especially their right to housing (arts. 2, para. 2; and 11).

The Committee recommends that the State party adopt a human rights approach to reconstruction efforts, ensuring thereby appropriate consideration to availability, affordability and adequacy of housing, including for temporary housing. In this regard, the Committee refers the State party to its general comment No. 4 (1991) on the right to adequate housing. The Committee also encourages the State party to seize the opportunity of the reconstruction efforts to apply designs which enable access for persons with disabilities on an equal basis with others to the physical environment, facilities and services provided to the public.

(22) The Committee notes with concern the long waiting list for social housing in the State party. It further regrets the decision of the State party to restrict eligibility for social housing to only those "in the greatest need", which denies many people of their right to adequate housing (art. 11).

The Committee calls on the State party to ensure that its enactments and policies guarantee the right to adequate housing for everyone, including for all those in need of social housing and especially those who are no longer eligible to it. The Committee also urges the State party to take appropriate measures to address the problem of the long waiting list in respect of social housing. The Committee draws the attention of the State party to its general comment No. 4 (1991) on the right to housing.

(23) The Committee notes with concern that the quality of water distributed from reticulated water supply or unregistered supplies is not always guaranteed, in spite of the entry into force of the Health Drinking Water Amendment Act 2007 (arts. 11 and 12).

The Committee recommends that the State party ensure that the right to affordable and safe water remains guaranteed, including in the context of privatization of water distribution. The Committee refers the State party to its general comment No. 15 (2002) on the right to water.

(24) The Committee regrets that it has not been given information on the impact of measures taken to address the difficulties faced by communities in rural and remote areas in terms of access to some health services and to improved sewage systems (art. 12).

The Committee requests the State party to provide in its next periodic report information on the impact of measures taken to ensure access to full health-care services and improved sewage systems among communities in rural and remote areas. The Committee refers the State party to its statement adopted in 2010 on the right to sanitation.

(25) The Committee is concerned that, in spite of measures taken such as the ban on tobacco advertisement, tobacco consumption remains widespread, particularly among Māori and Pasifika (art. 12).

The Committee recommends that the State party strengthen its measures to counter tobacco consumption, particularly among Māori and Pasifika and improve access to smoking cessation programmes.

(26) **The Committee recommends that, when acting upon the recommendations of the Waitangi Tribunal, as contained in the Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, the State party bear in mind its obligation to protect the cultural rights of Māori. These include, among others, Māori's right to conserve, promote and develop their own culture, language and cultural heritage, traditional knowledge and traditional cultural expressions, and the manifestations of their sciences and cultures. In this regard, the Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life (art. 15).**

(27) **The Committee requests that the State party provide in the next periodic report information on measures taken to protect, promote and fulfil the cultural rights of Tokelauans (art. 15).**

(28) **The Committee requests that the State party provide in its next periodic report information, including statistical data, on the following issues:**

(a) The size of the informal economy and the groups of population working therein;

(b) Underemployment and multiple occupations;

(c) The results of measures taken in the area of mental health, including services for inmates;

(d) Education measures in respect of sexual and reproductive health;

(e) Cost of education at all levels.

(29) **The Committee encourages the State party to increase the level of its contribution of official development assistance with a view to attaining the United Nations target of 0.7 per cent of gross national income.**

(30) **The Committee recommends that the State party adopt such legislative measures so as to enable it to withdraw its reservation to article 8 of the Covenant.**

(31) **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

(32) **The Committee encourages the State party to consider signing and ratifying the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the International Convention for the Protection of all Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

(33) **The Committee recommends that the State party take these concluding observations into account in its next national human rights action plan and encourages it to continue to work with the Human Rights Commission as well as with non-governmental organizations and other members of civil society in the development and implementation of this plan.**

(34) **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue to engage with the Human Rights Commission, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

(35) **The Committee requests the State party to submit its fourth periodic report, prepared in accordance with the revised reporting guidelines of the Committee adopted in 2008 (E/C.12/2008/2), by 18 May 2017.**

74. Peru

(1) The Committee on Economic, Social and Cultural Rights considered the combined second to fourth periodic reports of Peru on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/PER/2-4) at its 6th, 7th and 8th meetings, held on 2 and 3 May 2012 (E/C.12/2012/SR.6–8), and adopted, at its 28th meeting held on 18 May 2012, the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the combined second to fourth periodic reports of Peru, albeit with a significant delay, and the written replies to its list of issues. It also notes with appreciation the high level of the State party's delegation, and its positive and constructive engagement with the Committee.

B. Positive aspects

(3) The Committee notes with appreciation efforts made by the State party in promoting the implementation of economic, social and cultural rights. It notes that the State party has made significant progress since the Committee's previous interactive dialogue in 1997, and notes with appreciation the State party's commitment to place human rights and social inclusion at the centre of its policies.

(4) The Committee welcomes in particular:

(a) The adoption of the Equal Opportunities for Men and Women Act (No. 28983) on 16 March 2007;

(b) The adoption of the 2011–2016 National Action Plan to Combat Human Trafficking;

(c) The adoption of the Act on the Right of Indigenous or Aboriginal Peoples to Prior Consultation (No. 29785) on 6 September 2011.

C. Principal subjects of concern and recommendations

(5) The Committee notes with concern that there is no specific legislation prohibiting discrimination against persons based on sexual orientation, and that lesbian, gay, bisexual or transgender persons have faced such discrimination in employment, housing, and access to education and health care (art. 2).

The Committee recommends that the State party expedite the adoption of specific legislation prohibiting discrimination against persons based on sexual orientation and take measures, in particular awareness-raising, to ensure that LGBT persons are not discriminated against on the basis of their sexual orientation and gender identity.

(6) The Committee notes with concern that, despite legislative steps, persons with disabilities still face discrimination in accessing employment (art. 2).

The Committee recommends that the State party take steps to promote the employment of persons with disabilities, as well as to protect them from discrimination in the workplace. The Committee also recommends that the State party ensure effective compliance by public institutions with the 3 per cent quota accorded to persons with disabilities.

(7) The Committee is concerned that, despite the strong increase in GDP in the State party, the rate of underemployment remains high, especially in rural areas (art. 6).

The Committee recommends that the State party take effective measures to increase the rate of employment, particularly in rural areas, and to overcome the difficulties in framing and implementing its employment policies.

(8) The Committee notes with concern the use of forced labour, in particular in the logging sector (art. 6).

The Committee recommends that the State party take legislative measures to penalize forced labour, and prioritize the combating of forced labour, including through effective implementation, resourcing, and, where necessary, reviewing of the National Plan of Action for the Eradication of Forced Labour.

(9) The Committee notes with concern the significant wage gap between men and women (art. 7).

The Committee recommends that the State party take measures to ensure equal remuneration for men and women for work of equal value, as provided for in national legislation, and provide information on the impact of such measures in its next periodic report.

(10) The Committee notes with concern that 30 per cent of salaried workers are paid less than the national minimum wage. It is also concerned about the volume of non-registered employment as well as the low investigative capacity of labour inspection units.

The Committee recommends that the State party ensure that employees are guaranteed and paid a salary at least at the level of the national minimum wage. It also urges the State party to take urgent steps to further strengthen the capacity of the National Labour Inspectorate.

(11) The Committee notes with concern that workers in the agricultural exports sector receive wages that do not allow them and members of their family an adequate standard of living. The Committee also notes with concern that such workers often face excessively long working hours (art. 7).

The Committee recommends that the State party amend the Agricultural Promotion Act (Act No. 27360) in order to ensure that workers in the agricultural exports sector receive salaries not lower than the minimum wage, are not required to work excessively long working hours, and receive compensation in the case of unfair dismissal.

(12) The Committee notes with concern that foreign and migrant workers face restrictions regarding their right to join trade unions. The Committee is also concerned that the 1997 Labor Productivity and Competitiveness Act allows for dismissal without stating

the grounds, and that the Act has reportedly been used in reaction to trade union activity of employees (art. 8).

The Committee recommends that the State party take legislative and other measures to ensure that all workers, including foreign and migrant workers, can join trade unions. It also urges the State party to take effective measures to ensure that workers are protected from any retaliatory actions following their involvement in trade unions, and to amend the 1997 Labor Productivity and Competitiveness Act accordingly.

(13) The Committee notes with concern that a large proportion of wage earners in the private sector have no social security cover. It is also concerned that only 1.4 per cent of persons with disabilities are covered by social security programmes (art. 9).

The Committee recommends that the State party take steps to ensure universal social security coverage, and extend the coverage of social security to all workers in the private sector, as well as persons with disabilities. The Committee draws the attention of the State party to its general comment No. 19 (2007) on the right to social security.

(14) The Committee is concerned about the prevalence and extent of domestic violence, including violence and sexual abuse of children. The Committee is also concerned at the fact that domestic violence is not specifically defined as an offence in the State party's Criminal Code, and at the obstacles in accessing justice for victims of domestic violence, in particular for indigenous and rural women, and the lack of enforcement measures (art. 10).

The Committee recommends that the State party amend its Criminal Code in order to make domestic violence a specific offence and to intensify its efforts to prevent and combat domestic violence, including through awareness-raising measures aimed at the judiciary, law enforcement officers, prosecutors, teachers, health-care and social workers and the media. It also urges the State party to ensure that all cases of domestic violence are investigated and that perpetrators are promptly prosecuted and sentenced.

(15) The Committee is concerned that child labour in the State party remains extensive, in particular in the informal sector, and that children are exposed to dangerous and/or degrading work, in particular in mines, garbage dumps and battery recycling. The Committee is also concerned that the minimum age for admission to employment is set at 14 years, which is below the age of the end of compulsory education, set at 15 years (art. 10.)

The Committee recommends that the State party take urgent steps to address child labour, including through ensuring effective enforcement of legislation protecting children from economic exploitation and exposure to hazardous or abusive work. The Committee also urges the State party to expedite the process of adoption of the Bill amending the Child and Young Persons Code, raising the minimum age for admission to employment to 15 years.

(16) The Committee is concerned about the situation of street children in the State party, as well as their high numbers (art. 10).

The Committee recommends that the State party address the situation and the high number of street children, with the aim of protecting these children and preventing and reducing this phenomenon. The Committee also recommends that these efforts focus on recovery and social reintegration services, as well as on ensuring adequate nutrition, housing, health care and educational opportunities.

(17) The Committee is concerned that, despite progress in recent years, a large section of the rural population still lives in poverty. The Committee is particularly concerned about the high incidence of poverty and extreme poverty in sierra and jungle regions, where

indigenous communities are concentrated. It also notes with regret the lack of disaggregated statistical data accurately reflecting the living standards of these communities (art. 11).

The Committee recommends that the State party step up its efforts to combat poverty in rural areas. The Committee recommends that the State party intensify measures to combat poverty and extreme poverty among indigenous communities and monitor progress in this regard, inter alia, by compiling disaggregated statistical data. The Committee draws the State party's attention to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted on 4 May 2001 (E/2002/22-E/C.12/2001/17, annex VII).

(18) The Committee is concerned that a significant number of children still suffer from malnutrition, in particular those living in rural and remote areas (art. 11).

The Committee recommends that the State party intensify its efforts to combat and prevent malnutrition amongst children, in particular those living in rural and remote areas.

(19) The Committee is concerned about the serious housing deficit and the absence of legislation and policy to protect tenants living in poverty or to prevent forced evictions. The Committee is also concerned about the insufficient provision of water and sanitation services, in particular in peripheral urban areas and rural regions (art. 11).

The Committee recommends that the State party take steps to address the housing deficit and take into special consideration the needs of the disadvantaged and marginalized individuals and groups, including through the upgrading of existing housing and the ensuring of security of tenure, especially in rural areas, in conformity with the Committee's general comment No. 4 (1991) on the right to adequate housing. The Committee recommends that the State party ensure the provision of safe and affordable drinking water and sanitation. It also recommends that the State party adopt measures, legislative or otherwise, governing forced evictions that are in line with the Committee's general comment No. 7 (1997) on forced evictions.

(20) The Committee is concerned about the high percentage of the population that does not benefit from health-care coverage. It is also concerned about the inadequate access to and quality of health services, especially in rural and remote areas (art. 12).

The Committee recommends that the State party ensure the effective implementation of the 2009 Framework Law on Universal Health Care Insurance (Law No. 29344). The Committee also recommends that the State party take steps to improve access to and quality of health-care services, especially in rural and remote areas, including by addressing economic, cultural and social barriers to such access. The Committee requests the State party to include in its next periodic report data on the access to and quality of health services, disaggregated by region.

(21) The Committee is concerned about the high rate of teenage pregnancies, and the lack of adequate sexual and reproductive health services. It is concerned that the Criminal Code classifies consensual sexual relations between adolescents as statutory rape, which in practice inhibits the access of adolescents to reproductive health services. The Committee is concerned about the high maternal mortality rate in rural regions, which is still above the MDG target. It is also concerned that the conditions under which therapeutic abortions can be performed are not nationally regulated, and that abortions are penalized in cases of pregnancy resulting from rape (art. 12).

The Committee recommends that the State party intensify its efforts to address the high rate of teenage pregnancies and ensure the accessibility and availability of sexual and reproductive health services, including delivery attendance, institutional birth services and emergency contraceptives, particularly in rural areas. It recommends

that the Criminal Code be amended so that consensual sexual relations between adolescents are no longer considered as a criminal offence and that abortion in case of pregnancy as a result of rape is not penalized. It also recommends that the State party establish a domestic protocol for the performance of therapeutic abortions.

(22) The Committee is concerned about the adverse effects as a result of the extractive industries' activities on the health of the population, in particular on the access to safe drinking water. It is also concerned that independent impact assessments on water, air and soil conditions are not always carried out prior to the granting of licenses to companies (art. 12).

The Committee recommends that the State party ensure, as part of its National Environmental Policy, that comprehensive independent impact assessments are carried out prior to the setting up of mining projects, and ensure that such activities are not a threat to health and do not adversely impact water, air or soil quality, in particular in rural and remote areas.

(23) The Committee is concerned that effective consultation and prior informed consent of indigenous peoples is not systematically sought in decision-making processes relating to the exploitation of natural resources in their traditional territories (art. 15).

The Committee recommends that the State party ensure that the implementation of the National Environmental Policy, Section 5, on mining and energy, as well as Act No. 29785 on the Right of Indigenous or Aboriginal Peoples to Prior Consultation, involves effective consultation and prior informed consent of indigenous peoples relating to the exploitation of natural resources in their traditional territories.

(24) The Committee is concerned that women who were subjected to forced sterilizations under the National Reproductive Health and Family Planning Program between 1996 and 2000 have not yet received reparations (art. 12).

The Committee recommends that the State party effectively investigate, without further delay, all cases of forced sterilization, guarantee adequate resourcing for these criminal investigations, and ensure that victims receive adequate reparations.

(25) The Committee notes with concern that the State party, whose population relies heavily on affordable generic medicines, nevertheless concluded the US-Peru Free Trade Agreements in December 2005, which incorporates TRIPs plus provisions severely restricting future access to new, affordable generic medicines (art. 12).

The Committee recommends that, in all future cases, the State party carefully assess the impacts on Covenant rights before entering into international agreements. The Committee also recommends that the State party take steps to ensure the accessibility, affordability and availability of essential medicines, if necessary through subsidies. The Committee draws the attention of the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

(26) The Committee is concerned about the discrepancies in quality and infrastructure between urban and rural schools. It is furthermore concerned about the very high dropout and repetition rates, in particular for girls in rural areas, and the illiteracy rate among the indigenous and Afro-Peruvian communities (arts. 13 and 14).

The Committee recommends that the State party take steps to improve the quality of instruction in and physical infrastructure of schools in rural areas. It also recommends that the State party take urgent steps to increase attendance rates, address the high dropout and repetition rates, in particular for girls in rural areas, and address the illiteracy rate among children of indigenous and Afro-Peruvian communities.

(27) The Committee is concerned that the use of indigenous languages is gradually declining (art. 15).

The Committee urges the State party to take urgent steps to preserve and promote the use of indigenous languages.

(28) **The Committee recommends that the State party adopt temporary special measures, in line with the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, to promote the realization of all Covenant rights for disadvantaged and marginalized indigenous communities and Afro-descendants. The Committee also requests that the State party include in its next periodic report data on progress made in this regard, including statistical data.**

(29) **The Committee encourages the State party to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

(30) **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

(31) **The Committee requests the State party to submit its fifth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 18 May 2017.**

75. Slovakia

(1) The Committee on Economic, Social and Cultural Rights considered the second periodic report of Slovakia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/SVK/2) at its 3rd, 4th and 5th meetings (E/C.12/2012/SR.3–5), held on 1 and 2 May 2012, and adopted the following concluding observations at its 18th meeting, held on 18 May 2012.

A. Introduction

(2) The Committee takes note with satisfaction of the submission by Slovakia of its second periodic report, which is in conformity with the Committee's reporting guidelines and reflects the State party's effort to provide an account of the steps taken to implement the recommendations made by the Committee in its preceding concluding observations. The Committee also takes note with satisfaction of the detailed written replies which it received to its list of issues (E/C.12/SVK/Q/2/Add.1).

(3) The Committee welcomes the constructive dialogue held with the State party's delegation, which was composed of representatives of a number of different ministerial departments.

B. Positive aspects

(4) The Committee welcomes the State party's ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 7 March 2012, and its ratification of the following instruments:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 26 May 2010;

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 7 August 2006;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 25 July 2004.

(5) The Committee takes note with appreciation of the State party's efforts to promote the implementation of economic, social and cultural rights, which have included:

(a) The adoption of Act No. 365/2004 on Equal Treatment in Certain Areas and on Protection against Discrimination, which amends and supplements other relevant legislation (the Anti-Discrimination Act) and which entered into force on 1 July 2004;

(b) The amendment of Act No. 5/2004 on Employment Services, which modifies and supplements other laws, introduces a new definition of the right to access to employment and entered into force on 1 May 2008;

(c) The adoption of Minimum Wage Act No. 663/2007;

(d) The adoption of Act No. 103/2007 on Tripartite Consultations at the National Level, which amends and supplements other relevant legislation (the Tripartite Act);

(e) The adoption of Social Insurance Act No. 461/2003, which entered into force on 1 January 2004;

(f) The establishment of the Government Council for Human Rights, National Minorities and Gender Equality;

(g) The adoption of the National Strategy on the Prevention and Elimination of Violence against Women and Domestic Violence in 2004.

C. Principal subjects of concern and recommendations

(6) The Committee regrets the fact that, although the Covenant takes precedence over domestic laws, the State party has not provided information on cases where the Covenant has been applied by domestic courts.

The Committee recommends that the State party take the appropriate steps to increase judges', lawyers' and prosecutors' familiarity with the Covenant in order to ensure that its provisions are taken into account in domestic court decisions. The Committee also recommends that the State party adopt suitable measures to raise awareness of the Covenant and of the justiciability of economic, social and cultural rights among members of the judicial branch and the general public. It also draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

(7) The Committee is concerned by the fact that the scope and independence of the Slovak National Centre for Human Rights are limited. It is also concerned by the insufficiency of the financial and human resources placed at the Centre's disposal.

The Committee recommends that the State party amend its legislation in order to increase the scope and independence of the Slovak National Centre for Human Rights and to endow it with the financial and human resources it needs in order to function in full conformity with the Paris Principles.

(8) **The Committee recommends that the State party ensure that the status, mandate, powers and areas of responsibility of the two plenipotentiaries who are to be appointed are not inferior to those of the Deputy Prime Minister for Human Rights and National Minorities. The Committee also recommends that the State party take steps to avert any overlap between different agencies and to improve the coordination of its policies regarding human rights, including those of women.**

(9) The Committee is concerned by the fact that the Roma continue to be the victims of discrimination, particularly in the areas of education, employment, health and housing. The Committee regrets that the State party has not furnished it with statistics on this subject (arts. 2, 6, 11, 12 and 13).

The Committee recommends that the State party strengthen the preventive and protective measures in place to combat social and societal discrimination against the Roma in all domains, in particular by ensuring full enforcement of the Anti-Discrimination Act. The Committee also recommends that the State party undertake steps to promote the rights of the Roma, with regard to access to employment, education, housing and health. The State party should pass the bill on marginalized communities, enforce that law once it has been passed, implement its Roma integration strategy up to 2020 which it adopted on 11 January 2012 and report to the Committee on the results of those steps.

(10) The Committee is concerned by the fact that homosexual couples are not legally recognized and by the absence of a legal framework for the protection of the rights of such couples (art. 2).

The Committee recommends that the State party consider adopting legislation that would grant legal recognition to homosexual couples and regulate the financial effects of such relationships.

(11) The Committee remains concerned by persistent inequalities between men and women in the State party, in particular with regard to their representation at different levels in the public sector, in decision-making bodies and in political parties (art. 3).

The Committee recommends that the State party expedite its implementation of the measures adopted to ensure equality for men and women, to evaluate their implementation and to ensure that effective oversight mechanisms are in place. The Committee also recommends that the State party adopt special measures for the advancement of women, in view of their underrepresentation, in various sectors of public life, in decision-making bodies and in political parties. The Committee further recommends that the State party adopt the updated version of the National Strategy for Gender Equality. In that regard, the Committee draws the State party's attention to its general comment No. 16 (2005).

(12) The Committee is concerned by the high rate of unemployment in the State party and especially by the persistence of long-term unemployment and by the major disparities between some regions, despite the efforts undertaken by the State party. It is particularly concerned by the unemployment rate among women and the alarmingly high unemployment rate among young people (art. 6).

The Committee recommends that the State party step up its efforts to reduce unemployment, particularly long-term unemployment, as well as the major regional disparities that exist in the State party. The Committee also recommends that the State party adopt appropriate measures to improve employment among women and to facilitate young people's entry to the labour market. The Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work.

(13) The Committee is concerned by the high rate of unemployment among disadvantaged and marginalized groups of the population, particularly among the Roma and persons with disabilities and by the absence of data on the impact of steps taken to reduce unemployment among the Roma and persons with disabilities. The Committee is equally concerned by the fact that asylum seekers must wait for one year before they can obtain a work permit (art. 6).

The Committee recommends that the State party intensify its efforts to facilitate the Roma's access to the labour market, in particular by ensuring the effective implementation of its Roma integration strategy and related plans of action. It also recommends that the State party take the appropriate steps to amend its legislation to allow asylum seekers to obtain a work permit within a year. In that connection, the Committee recommends that the State party accord recognition to the academic qualifications and work experience of asylum seekers without discrimination. The Committee further recommends that the State party ensure the effective enforcement of legislation under which companies are subject to a quota for the employment of persons with disabilities.

(14) The Committee remains concerned by the wage gaps between men and women who perform equal work or work of equal value and by the fact that these wage gaps have continued to widen in the State party at a very rapid rate (art. 7).

The Committee recommends that the State party redouble its efforts to eliminate the wide wage gaps that persist between men and women who perform equal work or work of equal value, in particular by ensuring the effective enforcement of existing laws, including the Labour Code and the Anti-Discrimination Act, by carrying out more inspections and by applying the penalties established for that purpose.

(15) The Committee is concerned by the fact that the minimum wage set in the State party is not sufficient to ensure a decent standard of living for workers and their families, despite the State party's efforts in this regard (art. 7).

The Committee reiterates its earlier recommendation that the State party set the minimum wage at a sufficient level to ensure a decent standard of living for recipients and their families.

(16) The Committee is concerned by the very high incidence of sexual harassment, usually of women, in the State party, despite the legislative and awareness-raising measures undertaken by the State party to prevent such harassment (art. 7).

The Committee recommends that the State party ensure that the laws against sexual harassment are effectively enforced and that it adopt additional preventive and protective measures to combat the sexual harassment of women in the workplace.

(17) The Committee is concerned by the excessive legal restrictions applying to the right of certain categories of civil servants to strike (art. 8).

The Committee recommends that the State party revise its legislation in order to permit those categories of civil servants to exercise their right to strike more fully, in particular Act No. 2 of 1991.

(18) The Committee remains concerned by the persistence of domestic violence, particularly against women. The Committee is also concerned by the fact that domestic violence does not constitute an offence (art. 10).

The Committee recommends that the State party amend its legislation in order to make domestic violence an offence and intensify its efforts to prevent and combat domestic violence, particularly violence against women.

(19) The Committee observes with concern that human trafficking, particularly of women and girls, for purposes such as sexual exploitation, still persists throughout the State party (art. 10).

The Committee urges the State party to strengthen its preventive and protective measures for combating trafficking in women and girls, for purposes such as sexual exploitation, in particular by ensuring effective law enforcement and training law

enforcement and migration officers. It recommends that the State party continue with its public awareness-raising campaigns, increase the measures in place for assisting and rehabilitating victims, facilitate the submission of complaints, and prosecute and punish traffickers. The Committee further recommends that the State party pursue cooperative efforts with neighbouring States to prevent and combat human trafficking.

(20) The Committee is concerned by the fact that a significant proportion of the population still live beneath the poverty threshold, and that the proportion remains very high among the most disadvantaged and marginalized groups within its population, including the Roma (art. 11).

The Committee strongly urges the State party to intensify its efforts to combat poverty, especially among the most disadvantaged and marginalized members of the population, including the Roma, and to reduce disparities between regions. In that respect, it would draw the State party's attention to its statement concerning poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

(21) The Committee is concerned by the fact that access to adequate, safe water is still not available to all sectors of the population in the State party, especially the most disadvantaged and marginalized groups and members of the rural population (art. 11).

The Committee recommends that the State party take the necessary steps to provide all members of its population, including those living in rural areas, with adequate, safe water and sanitation services. The Committee further encourages the State party to pursue the pilot projects already undertaken to that effect, in conformity with its general comment No. 15 (2002) on the right to water, and to provide information in its next report on the progress it has achieved.

(22) The Committee is concerned by the fact that some groups within the State party's population, especially its most disadvantaged and most marginalized members, including the Roma, still do not have access to adequate housing. It is also concerned by reports of numerous forced evictions of Roma (art. 11).

The Committee recommends that the State party ensure that the 2010 Act encouraging low-cost housing construction is implemented and that it pursue its social housing construction programme, giving priority in the assignment of such dwellings to disadvantaged and marginalized groups, particularly the Roma. The Committee draws the State party's attention to its general comment No. 4 on the right to adequate housing. It also recommends that the State party avoid allowing any forced evictions of Roma to take place until these have been consulted and offered alternative accommodations. The Committee further draws the State party's attention to its general comment No. 7 (1997) on forced evictions.

(23) The Committee remains concerned by the high rate of tobacco use in the State party and the health implications thereof, especially for young people despite the State party's many legislative initiatives and awareness-raising campaigns aimed at combating tobacco use (art. 12).

The Committee strongly recommends that the State party step up its efforts to combat tobacco use and to address the implications thereof, especially for young people. The Committee urges the State party to ensure the effective application of its anti-tobacco legislation and to intensify its awareness-raising campaigns in that respect. The Committee also recommends that the State party adopt a comprehensive national plan or strategy to combat tobacco use and that these include health-care provisions.

(24) The Committee is concerned by the fact that the new law on social security adopted in September 2011 has reduced coverage in terms of reproductive and sexual health services, in particular the prescription of contraceptives, including the most up-to-date. The Committee is also concerned by the fact that the confidentiality of the personal data of patients undergoing abortion is not guaranteed. The Committee is, in addition, concerned at the rising cost of abortion services (art. 12).

The Committee recommends that the State party expand the public insurance scheme to cover reproductive and sexual health services, allowing the prescription of contraceptives, including the most up-to-date. The Committee also recommends that the State party ensure that the personal data of patients undergoing abortion remain confidential. Lastly it recommends that the State party lower the cost of abortion services.

(25) The Committee is concerned by reports that sexual and reproductive health education is not included in school curricula, which means that students are left uninformed about the risks of early pregnancy and sexually transmitted diseases (arts. 12 and 13).

The Committee recommends that the State party take all appropriate steps to ensure that students receive sexual and reproductive health education at school in order to avert the risks associated with early pregnancy and sexually transmitted diseases.

(26) The Committee is concerned by reports that Roma children continue to be the victims of segregation in the State party's school system by being refused the right to attend regular classes in some areas and being taught in special classes, notwithstanding the existing provisions of the Anti-Discrimination Act and the School Act. The Committee is also concerned by the low enrolment rate among Roma children and their persistently high school dropout rate. The Committee is equally concerned by discrimination in schools against children with disabilities (art. 13).

The Committee recommends that the State party put in place a national strategy and plan of action in order to raise the enrolment rate and lower the school dropout rate among Roma children. The Committee recommends that the State party conduct campaigns to raise awareness among Roma families and continue to offer the incentives in these respects that have already been established. The Committee also recommends that the State party combat the segregation of Roma children in schools by ensuring the effective enforcement of the Anti-Discrimination Act and the School Act and by raising teachers' and the general public's awareness of these laws. It further recommends that the State party adopt and apply an inclusive approach to the education of children with disabilities. The Committee directs the State party's attention to its general comment No. 13 (1999) on the right to education.

(27) The Committee is concerned about shortcomings in the implementation of the law dealing with the official State language and the law governing minority languages, under which all citizens belonging to minority groups are allowed to use their minority language in their dealings with the public administration, despite the measures adopted by the State party to facilitate the use of such languages (art. 15).

The Committee recommends that the State party take steps, including the imposition of penalties, to ensure that the law dealing with the use of minority languages be effectively enforced in the municipal governments concerned. In that connection, the Committee directs the State party's attention to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

(28) **The Committee requests the State party to disseminate these concluding observations widely at all levels of society, and particularly among public officials, judicial authorities and civil society organizations, and to inform the Committee in its**

next periodic report on the steps taken to implement them. It also encourages the State party to continue to engage civil society organizations in the discussions to be held at the national level prior to the submission of its next periodic report.

(29) **The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties.**

(30) **The Committee requests the State party to submit its next periodic report in accordance with the guidelines adopted by the Committee in 2008 (E/C.12/2008/2) by 18 May 2017.**

76. Spain

(1) The Committee on Economic, Social and Cultural Rights considered the fifth periodic report of Spain (E/C.12/ESP/5) at its 12th to 14th meetings (E/C.12/2011/SR.12–14), held on 7 and 8 May 2012. At its 28th meeting, held on 18 May 2012 (E/C.12/2012/SR.28), the Committee adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the fifth periodic report of Spain, which has been prepared in accordance with the Committee's guidelines and describes the measures taken in response to the Committee's previous recommendations. The Committee also welcomes the written replies to the list of issues (E/C.12/ESP/Q/5/Add.1) and the statistical data they provide.

(3) The Committee appreciates the opportunity for constructive dialogue with the State party and the participation of a wide range of experts from the relevant ministries.

B. Positive aspects

(4) The Committee is pleased to note that the State party has ratified the following international instruments:

(a) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (23 September 2010);

(b) The Convention on the Rights of Persons with Disabilities and its Optional Protocol (3 December 2007);

(c) The International Convention for the Protection of All Persons from Enforced Disappearance (24 September 2009);

(d) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (4 December 2006).

(5) The Committee expresses its satisfaction with a number of measures taken by the State party to improve the enjoyment of economic, social and cultural rights, particularly:

(a) Act No. 12/2009 of 30 October 2009, on the right of asylum and subsidiary protection, which incorporates European directives and covers the protection of the rights set forth in the Convention relating to the Status of Refugees;

(b) The Plan of Action for the Development of the Gypsy Population 2010–2012 and the National Strategy for the Social Inclusion of the Gypsy Population 2012–2020;

(c) Organic Act No. 3/2007 of 22 March 2007, on effective equality between women and men;

(d) Act No. 30/2006 of 14 December 2006, on the promotion of personal autonomy and care of dependent persons;

(e) Organic Act No. 1/2004 of 28 December 2004, on comprehensive protection measures against gender-based violence;

(f) The measures adopted to combat human trafficking, especially: the classification of human trafficking as an offence in the Criminal Code; the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings; the launch of the first Comprehensive Plan to Combat Human Trafficking for Purposes of Sexual Exploitation 2009–2012; and the third Plan to Combat the Sexual Exploitation of Children and Adolescents 2010–2013.

C. Principal subjects of concern and recommendations

(6) The Committee is concerned that, with the exception of the right to education, which is one of the fundamental rights enshrined in the Constitution, economic, social and cultural rights are considered by the State party only as "guiding principles" of social and economic policy, legislation and judicial practice. The Committee is also concerned that the provisions of the Covenant have rarely been invoked or applied in the courts of the State party.

The Committee urges the State party, in light of the indivisibility, universality and interdependence of human rights, to take the necessary legislative measures to ensure that economic, social and cultural rights enjoy the same level of protection as civil and political rights. The Committee also recommends that the State party take appropriate measures to ensure that the provisions of the Covenant are fully justiciable and applicable by domestic courts.

(7) The Committee is concerned that the mandate of the Ombudsman (*Defensor del Pueblo*) contains no reference to the promotion of human rights or human rights education. The Committee is also concerned that the Ombudsman's Office has no power to submit individual complaints of violations of economic, social and cultural rights to the courts.

The Committee recommends that the State party extend the competence of the Ombudsman's Office to the promotion of human rights and human rights education, and that it empower the Office to submit cases to the courts.

(8) The Committee expresses concern that the levels of effective protection for the rights enshrined in the Covenant have been reduced as a result of the austerity measures adopted by the State party, which disproportionately curtail the enjoyment of their rights by disadvantaged and marginalized individuals and groups, especially the poor, women, children, persons with disabilities, unemployed adults and young persons, older persons, gypsies, migrants and asylum seekers (art. 2, para. 1).

The Committee recommends that the State party ensure that all the austerity measures adopted reflect the minimum core content of all the Covenant rights and that it take all appropriate measures to protect that core content under any circumstances, especially for disadvantaged and marginalized individuals and groups. In that regard, the Committee recommends that the State party compile disaggregated statistical information with a view to identifying the individuals and groups affected and that it increase the effectiveness of its efforts to protect their economic, social and cultural rights. The Committee also draws the State party's attention to its open letter of 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis.

(9) The Committee is concerned that the decentralization of competencies in relation to economic, social and cultural rights has led to disparities in the enjoyment of these rights in the 17 autonomous communities (art. 2, para. 1).

The Committee urges the State party to ensure that disparities between autonomous communities in terms of social investment and cuts in social welfare services do not lead to inequitable or discriminatory enjoyment of economic, social and cultural rights.

(10) The Committee is concerned about the reduction in official development assistance, which undercuts the State party's commitment to allocate at least 0.7 per cent of GDP to such assistance (art. 2).

The Committee recommends that the State party redouble its efforts to increase official development assistance to at least 0.7 per cent of GDP, in line with the goals assumed at the international level.

(11) The Committee is concerned that, despite the measures adopted by the State party, immigrants and gypsies continue to suffer from discrimination in the enjoyment of economic, social and cultural rights, particularly in the areas of employment, housing, health and education. The Committee is also concerned at the persistence of hostile and intolerant attitudes towards these communities, including on the part of police officers (art. 2, para. 2).

The Committee recommends that the State party increase the measures taken to eradicate discrimination against the immigrant population and gypsies and to penalize all forms of discriminatory practice. The Committee also recommends that the State party pass the bill on equal treatment and non-discrimination. In this regard, the Committee draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the Covenant).

(12) The Committee is concerned, particularly in the context of the economic and financial crisis, about the constant rise in unemployment and long-term unemployment rates, which negatively affects a large proportion of the population of the State party, especially young persons, immigrants, gypsies and persons with disabilities, and increases their vulnerability (art. 2, para. 2, and art. 6).

The Committee recommends that the State party strengthen its programmes and adopt effective strategies to reduce unemployment rates and move progressively towards the full realization of the right to work. The Committee recommends that the State party avoid any step backwards in the field of employment, including with regard to the protection of workers' labour rights. The Committee also requests the State party, in its next periodic report, to submit tables of annual statistics on the general employment situation, disaggregated by sex, age, nationality and disability. The Committee further recommends that high-quality vocational training, especially for the long-term unemployed, should continue to be prioritized, taking into account the needs of disadvantaged and marginalized individuals and groups. In that regard, the Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work (art. 6 of the Covenant).

(13) The Committee is concerned that the persistence of certain stereotypes about gender roles continue to prevent women from enjoying the right to work on equal terms with men. The Committee remains concerned at the smaller proportion of women in decision-making positions, both in the public and the private sectors. The Committee is also concerned that, despite efforts in that regard, the gap between men's and women's wages is still large, which contravenes the principle of equal pay for work of equal value enshrined in the State party's legislation and in the Covenant (arts. 3, 6, 9 and 10).

The Committee recommends that the State party redouble its efforts to combat gender stereotypes in the family and society, including by promoting the equal

representation of men and women in decision-making positions in the public and the private sectors. The Committee also urges the State party to monitor compliance by private actors with the laws on equal treatment and non-discrimination and with the principle of equal pay for work of equal value. At the same time the Committee asks the State party to promote the greater involvement of men in caregiving work and in the provision of care services to children, persons with disabilities, older persons and the sick.

(14) The Committee is concerned about the situation of the persons who, despite the new regulations governing holding centres for foreigners awaiting deportation introduced in February 1999, continue to be held in such centres in overcrowded conditions and without access to information or adequate social, medical or legal services (art. 2, para. 2).

The Committee urges the State party to give full effect to the new regulations in order to improve the living conditions in the holding centres for foreigners awaiting deportation, especially as regards access to adequate health care and social, legal and medical assistance.

(15) The Committee is concerned at the persistence of high levels of domestic and other forms of gender-based violence, despite the State party's efforts to prevent such violence, as well as by the budget cuts that have affected the victim support services provided in certain autonomous communities (art. 10).

The Committee encourages the State party to keep assessing the impact of the various plans and measures implemented to combat domestic and other forms of gender-based violence, especially violence against women, and to ensure that the efforts under way are continued and that the restrictive austerity measures taken within the context of the economic and financial crisis do not undermine the protection afforded to victims or the protection of their rights. The Committee also recommends that the State party strengthen its measures in this area and ensure that all the corresponding prevention and care strategies reach the women who are at greater risk due to their social environment or to drug addiction, illness or any other disadvantageous circumstance.

(16) The Committee notes with concern that, according to the data made available to it, 21.8 per cent of the population is already living below the poverty line and that the percentage of those at risk of falling into poverty has increased considerably owing to the current economic and financial crisis (arts. 9 and 11).

The Committee strongly recommends that the State party adopt and implement a new and comprehensive national anti-poverty programme. The Committee recommends that the programme include specific measures and strategies to mitigate the adverse impacts of the current economic and financial crisis and that particular attention be paid to disadvantaged and marginalized individuals and groups. In this regard, the Committee refers the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001).

(17) The Committee is concerned that, at a time when one in four minors is living below the poverty line, family benefit payments have been drastically cut or even abolished, as in the case of the single lump-sum benefit paid upon the birth or adoption of a child (arts. 10 and 11).

The Committee recommends that the State party review the reforms adopted in the context of the current economic and financial crisis to ensure that all the austerity measures introduced uphold the level of the protection attained in the realm of economic social and cultural rights and that, in all cases, such measures are

temporary and proportionate and do not negatively impinge on economic, social and cultural rights.

(18) The Committee is concerned that the minimum wage (*salario mínimo interprofesional – SMI*) has been frozen since 2011 at a level that does not allow for a decent standard of living (art. 7).

The Committee recommends that the State party guarantee that the minimum wage (SMI) enables workers and their families to enjoy a decent standard of living and that it is periodically adjusted in line with the cost of living, in accordance with article 7 of the Covenant and the standards of the European Committee of Social Rights.

(19) The Committee is concerned at the amendments introduced by Royal Decree-Law No. 16/2012 of 20 April 2012, in particular to the Aliens' Act of 2009, which curtail the rights of immigrants in an irregular situation to have access to public health services (art. 12).

The Committee recommends that the State party ensure that, in accordance with the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) and the principle of universal health care, the reforms adopted do not limit the access of persons residing in the State party to health services, regardless of their legal situation. The Committee also recommends that the State party assess the impact of any proposed cuts on the access of the most disadvantaged and marginalized individuals and groups to health services.

(20) The Committee notes with concern that pensions are in many cases below subsistence level, so that pensioners are at risk of falling into poverty. The Committee is particularly concerned about the situation of women who receive widows' pensions (arts. 9, 10, 11 and 12).

The Committee recommends that the State party review the level of both contributory and non-contributory retirement pensions, with a view to ensuring that all pensioners are guaranteed an adequate standard of living, even in times of economic and financial crisis.

(21) The Committee is deeply concerned about the situation of individuals and families who find themselves overwhelmed by housing costs after taking out long-term mortgages, a situation which has caused many to lose their homes and placed others at high risk of losing theirs. The Committee is also concerned that Royal Decree-Law No. 6/2012 of 9 March 2012 leaves decisions as to whether or not homes may be accepted in lieu of payment at the discretion of the banks (art. 12).

The Committee recommends that the State party amend its legislation to give borrowers the possibility of surrendering their homes in settlement of their mortgage rather than leaving this option solely to the banks' discretion. The Committee also recommends that the State party encourage individuals and families to consider renting properties as an alternative means of accessing housing. In that regard, the Committee also recommends that the State party work in coordination with the autonomous communities to invest more resources in increasing the social housing stock in order to meet demand, in accordance with general comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant).

(22) The Committee is concerned that forced evictions continue to take place without due legal safeguards and without the persons affected being consulted in advance or being offered alternative accommodation or any compensation (art. 12).

The Committee recommends that the State party adopt a legal framework that establishes appropriate requirements and procedures to be followed prior to an

eviction and takes into account the Committee's general comment No. 7 on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions, the recommendations of the Special Rapporteur on adequate housing, and the United Nations basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I).

(23) The Committee is concerned that no official definition of "homeless person" has as yet been adopted to serve as a basis for compiling disaggregated data on the number of homeless persons so that trends in homelessness can be assessed and appropriate measures developed to address the problem (art. 12).

The Committee recommends that the State party establish an official definition of "homeless person" that is in accordance with the recommendations of the Special Rapporteur on adequate housing and the policy recommendations of the European Consensus Conference on Homelessness, held in Brussels in 2010. It also recommends that the State party compile disaggregated data on the number of homeless persons and the impact of the economic and financial crisis on such persons, with a view to formulating and implementing effective rehabilitation measures.

(24) The Committee notes with concern the difficulties that women may encounter, depending on their place of residence, in obtaining an abortion under Organic Act No. 2/2010 of 3 March 2010. The Committee is also concerned that, in the majority of autonomous communities, bureaucratic and time constraints force many women to resort to private clinics (arts. 12 and 10).

The Committee recommends that the State party guarantee the full application of Organic Act No. 2/2010 of 3 March 2010 in all parts of Spain. To that end, the Committee recommends that the State party adopt a basic procedure common to all the autonomous communities in order to guarantee equitable access to elective abortions; ensure that the exercise of conscientious objections by physicians or other members of the health profession does not pose an obstacle for women who wish to terminate a pregnancy; and pay special attention to the situation of adolescent and migrant women.

(25) The Committee is concerned at the increase in drug use and alcohol abuse, principally among young persons, and at the lack of more detailed information on the phenomenon and its possible causes (art. 12).

The Committee recommends that the State party should enhance strategies for fighting drug use and alcohol abuse, taking into account the various risk factors and all the actors involved; develop appropriate health-care and psychological support services; establish a recommended methodology for detoxification treatment; and adopt administrative, social and educational measures to address these issues.

(26) The Committee is concerned that, despite the progress made, the early school leaving rate is still double the European Union average (art. 13).

The Committee recommends that the State party redouble its efforts to reduce the early school leaving rate, in line with the Europe 2020 strategy, adopting a strategy that addresses the socioeconomic factors which influence decisions to leave education prematurely and that prioritizes the most disadvantaged and marginalized individuals and groups.

(27) The Committee notes with concern that education has been one of the sectors most affected by cuts in the budgets of both the central Government and the autonomous communities (art. 13).

The Committee recommends that the State party ensure sustained and adequate levels of economic and budgetary investment in education so as to guarantee a high-quality education in conditions of equality for all boys and girls. The Committee asks the State party to include absolute and percentage figures for public expenditure on education in its next periodic report.

(28) The Committee is concerned at the regressive measures adopted by the State party that increase university tuition fees, thus jeopardizing access to university education for disadvantaged and marginalized individuals and groups (art. 13).

The Committee recommends that the State party review the regressive measures that have been taken with regard to university tuition fees in the light of article 13, paragraph 2 (c), of the Covenant, and that it guarantee equal access to higher education for all individuals on the basis of ability.

(29) The Committee is concerned that, in the context of the economic and financial crisis, budget cuts are a threat to the maintenance and development of creative and research capacity in the State party, as well as to opportunities for all individuals and communities to have effective access to take part in cultural life (art. 15).

The Committee recommends that the State party strengthen all currently existing measures and adopt any additional ones necessary to ensure the fullest possible enjoyment of the cultural rights enumerated in article 15 of the Covenant.

(30) **The Committee urges the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

(31) **The Committee requests the State party to disseminate these concluding observations widely among all levels of society, and in particular among State officials, judges and civil society organizations, and to inform the Committee about the steps taken to implement them in its next periodic report. It also encourages the State party to involve national human rights institutions, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

(32) **The Committee requests the State party to submit its sixth periodic report, prepared in accordance with the guidelines on the specific documents that must be submitted by States parties under article 16 and 17 of the Covenant (E/C.12/2008/2), by 18 May 2017.**

Forty-ninth session

77. Bulgaria

(1) The Committee on Economic, Social and Cultural Rights considered the combined fourth and fifth periodic reports of Bulgaria on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BGR/4-5) at its 41st and 42nd meetings (E/C.12/2012/SR.41–42), held on 20 November 2012, and adopted, at its 58th meeting, held on 30 November 2012, the following concluding observations.

A. Introduction

(2) The Committee takes note with satisfaction of the submission by Bulgaria of its combined fourth and fifth periodic reports, which are in conformity with the Committee's reporting guidelines and reflects the State party's effort to provide an account of the steps taken to implement the recommendations made by the Committee in its preceding concluding observations. The Committee also takes note with satisfaction of the detailed

written replies which it received to its list of issues (E/C.12/BGR/Q/4-5/Add.1), and welcomes the constructive dialogue held with the State party's high level interministerial delegation.

B. Positive aspects

(3) The Committee welcomes the State party's ratification of the following instruments:

(a) The Convention on the Rights of Persons with Disabilities, on 26 January 2012;

(b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2006;

(c) The United Nations Convention against Transnational Organized Crime (2001);

(d) ILO Conventions No. 177 (1996) on Home Work, and No. 161 (1985) on Occupational Health Services, and the Maritime Labour Convention (2006).

(4) The Committee takes note with appreciation of the State party's efforts to promote the implementation of economic, social and cultural rights, which have included:

(a) The establishment of the National Council on Integration of Persons with Disabilities in 2004;

(b) The adoption of the Combating Trafficking in Human Beings Act in 2003, and the establishment of the National Commission for Combating Trafficking in Human Beings;

(c) The amendments introduced to the Health Act in 2012 to prohibit smoking indoor in public places and certain outdoor places.

C. Principal subjects of concern and recommendations

(5) The Committee regrets that the International Covenant on Economic, Social and Cultural Rights is still rarely invoked by domestic courts, one reason being the reduced knowledge of the Covenant by judges, lawyers, and prosecutors.

The Committee recommends that the State party improve human rights training programmes in such way as to ensure better knowledge, awareness and application of the International Covenant on Economic, Social and Cultural Rights, in particular among the judiciary, law enforcement officials and other actors responsible for the implementation of the Covenant. The Committee also draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

(6) The Committee notes with concern that the Ombudsman and the Commission for Protection against Discrimination, as national human rights institutions, do not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

The Committee recommends that the State party adopt the necessary measures to enable the Ombudsman and the Commission for Protection against Discrimination to fully comply with the Paris Principles. The Committee also urges the State party to ensure that economic, social and cultural rights are fully covered by the mandate of the two national human rights institutions, and that they are provided with the necessary resources for their effective functioning.

(7) The Committee is concerned that minorities, particularly the Roma and the Turkish populations, continue to be the victims of widespread discrimination in the areas of education, employment, health and housing (arts. 2, 6, 11, 12 and 13).

The Committee recommends that the State party pursue its efforts to eliminate any forms of discrimination against its minorities, particularly the Roma and Turkish populations, stating clearly and officially that it does not tolerate any form of discrimination or violence against persons because of their national or ethnic origin, and promoting the involvement of the population at large in this process. The State party should also guarantee the access of all to employment, education, adequate housing and health services, and should ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's national or ethnic identity. In this regard, the Committee draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

(8) The Committee expresses concern at the prevailing gender role stereotypes in society and their negative impact on the enjoyment by women of their economic, social and cultural rights. The Committee is further concerned at the gender disparity in the fields of education and employment, and it regrets that no specific legislation exists on equal opportunities for women and men (art. 3).

The Committee recommends that the State party intensify its efforts to eliminate the societal gender role stereotypes and prejudices, including through awareness-raising campaigns, and through the improvement of gender balance in education disciplines traditionally dominated by either sex. The Committee also calls on the State party to adopt specific legislation on equality between men and women. It also requests the State party to include, in its next periodic report, statistics, disaggregated by sex, on participation in the labour market and on the average actual earnings disaggregated by occupation, branch of activity, and level of qualifications, with respect to both the public and private sector.

(9) The Committee is concerned about the situation of asylum seekers who are not allowed to work during the first year of their stay in the State party, and therefore only have access to the monthly allowance in application with the Social Assistance Act, highly prejudicing their access to the rights set out in the Covenant. The Committee is also concerned that the assistance provided to newly recognized refugees does not give them access to adequate housing, food, clothing and education needs (art. 3).

The Committee recommends that the State party take the appropriate steps to amend its legislation, allowing asylum seekers to obtain a work permit within the year of their arrival to the State party. The State party should also reinforce its National Programme for the Integration of Refugees throughout its territory, including through the implementation of language training courses more adapted to the persons in need, of social orientation and vocational training programmes, and providing special attention to vulnerable persons, including older persons and persons with disabilities.

(10) The Committee is concerned that, despite the restriction of child labour by current legislation and the adoption of the National Plan for Combating the Worst Forms of Child Labour, the protection of self-employed children under 18 years is not guaranteed, and socially vulnerable children, especially Roma children, remain engaged in harmful and exploitative labour, particularly in agriculture, industry and domestic service. Furthermore, the Committee is concerned that there is no adequate or recent disaggregated data on child labour (arts. 3 and 10).

The Committee recommends that the State party examine the situation of child labour and street children in order to develop specific strategies to strengthen awareness, prevention and assistance programmes, including through the systematic collection of updated and disaggregated data with a view to addressing the problems of child labour and street children. The Committee also recommends that the State party ensure the effective implementation of International Labour Organization (ILO) standards on minimum age of employment and the regulation of employment of children in hazardous conditions, in compliance with ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

(11) The Committee is concerned, particularly in the context of the economic and financial crisis, about the recent rise in unemployment and long-term unemployment rates, which negatively affect the population of the State party, especially young persons, immigrants, Roma persons and persons with disabilities, and increases their vulnerability in violation of their rights set out in the Covenant (arts. 2, paras. 2 and 6).

The Committee recommends that the State party strengthen its programmes and adopt effective strategies to reduce unemployment rates and move progressively towards the full realization of the right to work, avoiding any retrogressive step with regard to the protection of workers' labour rights. The Committee recommends that high-quality vocational training, especially for the long-term unemployed, continue to be prioritized taking into account the needs of disadvantaged and marginalized individuals and groups. The Committee further recommends the adoption of employment strategies and plans of action targeting regions where unemployment is most severe. It also requests the State party, in its next periodic report, to submit tables of annual statistics on the general employment situation, disaggregated by sex, age, nationality, disability, and by urban or rural region. In that regard, the Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work. The Committee also draws the State party's attention to its open letter of 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis.

(12) The Committee is concerned that the minimum wage, the unemployment benefits and old age benefits set in the State party are not sufficient to meet the living costs and to ensure a decent standard of living to the recipients and their families (arts. 7 and 9).

The Committee recommends that the State party establish an effective system of indexation and regular adjustment of the minimum wage, unemployment benefits, pensions and other social assistance for older persons, to the cost of living, providing the recipients and their families with a decent standard of living.

(13) The Committee is concerned about the restrictions applicable to the right to strike for certain categories of civil servants, including managerial personnel (art. 8).

The Committee recommends that the State party amend its legislation with a view to according all categories of civil servants, including managerial personnel, with their right to strike.

(14) The Committee is concerned about the reduced impact of existing plans and strategies on children with disabilities who are in institutions, and about the lack of services to prepare the integration into society of persons who leave institutional care. The Committee is also concerned at the lack of clarity on the legal status and on available alternatives for children without a family who leave institutional care (art. 10).

The Committee recommends that the State party ensure the full implementation of the reform of the residential care system for children, focusing on the integration of

children who leave institutional care, including those with disabilities. The Committee recommends that the State party clarify the legal status of children without family who leave institutional care, and provide them with adequate family substitute and family support services, as well as community-based services. In this regard, the Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children, annexed to General Assembly resolution 64/142, and it requests the State party to include in its next periodic report disaggregated data, by sex, year, family status and disability, on progress made in the reintegration of children who leave institutional care.

(15) The Committee is concerned about the persistence of high levels of domestic violence, in particular violence against women. The Committee also regrets that domestic violence still does not constitute an act specifically punishable under criminal law, and that only a limited proportion of such cases are reported to the competent authorities for their investigation and punishment (art. 10).

The Committee recommends that the State party explicitly criminalize all forms of domestic violence in its Penal Code. It recommends that the State party carry out focused awareness-raising campaigns to sensitize the population on the severe effects of domestic violence, and ensure the systematic training of local authorities, law enforcement and police officials, social workers and medical personnel on how to detect and adequately advise victims of domestic violence, particularly violence against women. The Committee also recommends that the State party take the necessary measures to secure the report, criminal investigation, prosecution and sanction of all cases of domestic violence.

(16) The Committee is concerned about the ongoing increase of trafficking of persons in the State party, despite the actions developed by the National Commission for Combating Trafficking in Human Beings and the implementation of the National Programme for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims (art. 10).

The Committee recommends that the State party continue its efforts to raise awareness and to combat trafficking in persons in cooperation with neighbouring countries and through the development of effective programmes, combating all aspects of trafficking and sexual exploitation of women and children. It should ensure that all individuals responsible for trafficking in persons are prosecuted and punished in a way that is commensurate with the gravity of the crimes committed, and that victims of trafficking have access to rehabilitation services.

(17) The Committee is concerned that couples in de facto unions and the status of children born as a result of those relationships are not regulated and protected by law. The Committee is also concerned that same-sex couples are not legally recognized and by the absence of a legal framework for the protection of the rights of such couples (arts. 2 and 10).

The Committee recommends that the State party undertake a comprehensive review of its legislation to ensure de jure equality between de facto and official unions, to legally recognize same-sex couples, to regulate the financial effects of such relationships, and to guarantee the full protection of the rights of children born out of wedlock.

(18) The Committee is concerned about the fact that a significant proportion of the population still lives below the poverty line, especially within the most disadvantaged and marginalized groups of its population, including Roma. The Committee is further concerned about the regional disparities in that regard (art. 11).

The Committee strongly urges the State party to intensify its efforts to combat poverty, especially among the most disadvantaged and marginalized members of the population, including Roma, and to reduce disparities between regions. In that respect, the Committee draws the State party's attention to its statement concerning poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

(19) The Committee is concerned that some groups within the State party's population, especially its most disadvantaged and most marginalized members, including Roma, still do not have access to adequate housing. The Committee is also particularly concerned about the numerous forced evictions affecting Roma (art. 11).

The Committee recommends that the State party ensure that the 2010 Act encouraging low-cost housing construction is implemented and that it pursue its social housing construction programme, giving priority in the assignment of such dwellings to disadvantaged and marginalized groups, particularly Roma. The Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing. It also recommends that the State party prevent forced evictions of Roma from taking place until they have been consulted and offered alternative accommodations or compensation. The Committee further draws the State party's attention to its general comment No. 7 (1997) on forced evictions.

(20) The Committee is concerned at the high frequency of teenage pregnancies, often leading teenage girls to drop out of school. The Committee is also concerned at the information received on high rates of infant and maternal mortality, and at the lack of detailed information on the causes of this problem (arts. 10 and 12).

The Committee calls on the State party to intensify its efforts aimed at preventing teenage pregnancy and to provide the necessary support services for pregnant adolescents, including measures to enable them to continue their education. The Committee also urges the State party to ensure that sexual and reproductive health services are effectively accessible to adolescents, and that all pregnant women and girls have access to specialized medical care. Finally, the Committee recommends that the State party thoroughly assess the causes of all cases of maternal and infant mortality in order to develop specific and adapted strategies in that regard.

(21) The Committee remains concerned, despite the information provided on the related reform to be enforced from January 2013, about the difficulties faced by persons living with HIV/AIDS and by Alzheimer patients in accessing treatment through the social security scheme. In both cases, the Committee also regrets the absence of information on the accessibility of the relevant treatments and care (art. 12).

The Committee recommends that the State party ensure that treatment and care is available to and accessible by persons living with HIV/AIDS, and by Alzheimer patients, and that the referred treatments are effectively covered by the social security scheme.

(22) The Committee notes with concern that, despite the achievements of the State party in the field of education, high dropout rates persist, especially within disadvantaged and marginalized groups of the population. The Committee is also concerned at reports that Roma children and children with disabilities continue to be victims of segregation in the school system (art. 13).

The Committee recommends that the State party strengthen its efforts to address the economic, social and cultural factors identified as root causes of persisting high school dropout rates. The Committee also recommends that the State party conduct campaigns to raise awareness among Roma families on the importance of education,

and continue to offer related incentives, and pursue its efforts to combat the segregation in schools of Roma children and children with disabilities. In this regard, the State party should ensure the effective enforcement of the Anti-Discrimination Act and the Public Education Act and it should raise awareness of these laws among teachers and the population at large. The Committee additionally draws the State party's attention to its general comment No. 13 (1999) on the right to education.

(23) While taking note of the recognition of "ethnic diversity" in article 54 of the Constitution, the Committee is concerned about the lack of official recognition of national minorities within the territory of the State party (art. 15).

The Committee recommends that the State party consider reviewing its position with regard to the official recognition of national minorities under the Constitution, and recognize officially the need to protect the cultural diversity of all minority groups under its jurisdiction, in accordance with the provisions of article 15 of the Covenant. In that connection, the Committee draws the attention of the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

(24) **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant on Economic, Social and Cultural Rights. The Committee also encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

(25) **The Committee requests the State party to disseminate these concluding observations widely at all levels of society, and particularly among public officials, judicial authorities and civil society organizations, and to inform the Committee in its next periodic report on the steps taken to implement them. It also encourages the State party to continue to engage civil society organizations in the discussions to be held at the national level prior to the submission of its next periodic report.**

(26) **The Committee invites the State party to submit its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties.**

(27) **The Committee requests the State party to submit its next periodic report in accordance with the guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 30 November 2017.**

78. Ecuador

(1) The Committee on Economic, Social and Cultural Rights considered the third periodic report of Ecuador on its implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ECU/3) at its 34th and 35th meetings, held on 14 and 15 November 2012 (E/C.12/2012/SR.34 and 35), and adopted the following concluding observations at its 58th meeting, held on 30 November 2012.

A. Introduction

(2) The Committee welcomes the third periodic report of Ecuador and its written replies to the list of issues. The Committee wishes to thank the State party's delegation, headed by the Minister for the Coordination of Social Development, for its active engagement in the dialogue with the Committee.

B. Positive aspects

(3) The Committee welcomes the ratification by the State party of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (annex to General Assembly resolution 63/117) and commends it upon being the first State to do so.

(4) It also takes note of the State party's ratification of a number of other international instruments:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance.

(5) The Committee welcomes the improvements that have occurred in the State party's social indicators for human development and poverty reduction, as well as the increases that have been made in budgetary allocations for economic and social expenditure, since it adopted its concluding observations on the second periodic report of Ecuador in 2004 (E/C.12/1/Add.100).

(6) The Committee wishes to highlight the passage of the new Constitution of Ecuador in 2008, which establishes the direct applicability of the human rights set forth in the Constitution and in international human rights instruments, the principle of non-discrimination in the exercise of human rights and the enforceability of human rights by judicial mechanisms such as constitutional protection actions.

(7) The Committee notes the advances made in the development of a legislative framework designed to ensure the enjoyment of a number of the rights set forth in the Covenant:

(a) The Food Sovereignty Act, published in the supplement to *Registro Oficial* No. 583 of 5 May 2009;

(b) The Higher Education Act, published in *Registro Oficial* No. 298 of 12 October 2010;

(c) The Disabilities Act, published in the supplement to *Registro Oficial* No. 796 of 25 September 2012;

(d) The Labour Rights Protection Act, published in the second supplement to *Registro Oficial* No. 797 of 26 September 2012.

(8) The Committee takes note with appreciation of the information provided to it regarding the direct application of the Covenant and the use of the Committee's jurisprudence, its general comment No. 4, on the right to adequate housing (art. 11, para. 1, of the Covenant) and its general comment No. 15, on the right to water (arts. 11 and 12 of the Covenant) as references for judicial interpretations of the law in Case No. 1207-10-EP, Decision 148-12-SEP-CC (extraordinary action for injunction in respect of the right to housing); Case No. 1586-2008-RA (constitutional action of *amparo* in respect of the right to work); and Case No. 0907-2008-RA (constitutional action of *amparo* in respect of the right to education).

C. Principal subjects of concern and recommendations

(9) The Committee reiterates its concern about the failure to undertake consultations as a basis for obtaining the prior, freely given and informed consent of indigenous peoples and nationalities for natural resource development projects that affect them. It is particularly concerned by the fact that Executive Decree No. 1247 of August 2012 was issued without having consulted indigenous peoples and nationalities and that this decree stipulates that any agreements which may be reached must be based on pre-existing public policy measures. The Committee is concerned that the objectives of the State party's efforts to disseminate information, establish permanent consultative offices and organize tours

through areas surrounding proposed mining and hydrocarbons development project sites are confined to the socialization of these projects and that these activities fail to engender an intercultural dialogue that would serve as a basis for obtaining the consent of indigenous peoples and nationalities and respecting their right to be consulted.

The Committee urges the State party to engage in consultations regarding mining and hydrocarbon resource exploration and development that allow the peoples and nationalities concerned to freely decide whether or not to give their consent for a given project and that provide sufficient opportunities and time for deliberation and decision-making, as well as for the implementation of cultural safeguards and compensatory remedies. These consultations should be conducted in accordance with the community consultation procedures that have been developed and with the resulting decisions. The Committee recommends that the State party consider suspending the implementation of Executive Decree No. 1247 of 2012 and that it instead work with indigenous peoples to design legislative measures to govern the exercise of the right to be consulted and that it then hold prior consultations on the proposed legislation. The Committee urges the State party to comply with the ruling of the Inter-American Court of Human Rights of 27 June 2012 in the case of *Kichwa de Sarayaku v. Ecuador*.

(10) The Committee is concerned about the criminal investigations and convictions of social and indigenous leaders who took part in public demonstrations protesting the bills submitted by the executive to the legislature concerning water management and development projects that would have an impact on natural reserves such as that of Lake Kimsakocha. The Committee is concerned that the State party does not have sufficient mechanisms for consensus-building around natural-resource development activities that would provide a way of reconciling them with the world view of indigenous peoples and nationalities.

The Committee recommends that the State party establish robust safeguards for the rights to freedom of assembly and to participate in peaceful demonstrations and that it regulate the use of force by law enforcement officers in connection with public demonstrations. It also recommends that the scope for the applicability of the criminal offences of sabotage and terrorism be clarified and that their application be restricted in the context of public demonstrations. Independent investigative commissions could issue recommendations as to the appropriateness of instituting criminal proceedings in response to public protests.

(11) The Committee is concerned that, although the inequality of income distribution in the State party has diminished, it remains very marked, as is reflected in the country's Gini coefficient of 49.0. The Committee regrets that the State party has not furnished sufficient up-to-date demographic statistics disaggregated by sex, ethnicity, geographic area, and economic and social status.

The Committee recommends that the State party establish policy objectives, benchmarks and indicators focusing on the elimination of existing inequalities, particularly those associated with indigenous persons and Afro-Ecuadorians. The Committee recommends that the State party continue to develop public policy indicators, with technical assistance from the Human Rights Adviser from the Office of the United Nations High Commissioner for Human Rights, for use in gauging the effectiveness of public policies in reducing inequality.

(12) The Committee is concerned by the fact that only 35 per cent of all persons with disabilities are part of the economically active population. It is also concerned about the lack of information on measures aimed at eliminating the various forms of discrimination still faced by persons with disabilities. In addition, it is concerned that existing social

programmes, such as those that supply prostheses and those that provide special allowances for family members of persons with intellectual or psychosocial disabilities, fall short of what would be needed to ensure the recognition of persons with disabilities as rights-holders.

The Committee recommends that the State party persevere in its efforts to attain its employment policy goals relating to diversity and to the skills of persons with disabilities and that it ensure that reasonable accommodations are made in the workplace. It encourages the State party to develop public policies that reflect a recognition of the rights of persons with disabilities that is broader in scope than a simple acknowledgement of their right to social assistance measures. The Committee recommends that the State party provide the Ombudsman's Office (Defensoría del Pueblo) with the necessary resources to monitor the observance of the rights of persons with disabilities and that it build the capacity of local agencies to apply the Disabilities Act of 2012.

(13) The Committee is concerned about the situation in which migrants and asylum seekers find themselves as a result of the implementation of Decree No. 1182 of May 2012 and about its negative impact in terms of the recognition of refugee status. The Committee is concerned by the obstacles that hinder Colombian nationals present in the State party from enjoying their economic, social and cultural rights.

The Committee recommends that the State party establish a monitoring mechanism with a view to ensuring that asylum seekers and persons with refugee status in the State party can effectively avail themselves of their economic, social and cultural rights. The Committee encourages the public authorities to draw upon the advisory assistance and technical capabilities of international agencies such as the Office of the United Nations High Commissioner for Refugees and of civil society organizations.

(14) The Committee takes note of the information provided by the State party regarding public policies such as the Equal Opportunities Plan, gender-based public budgets and the merit system provided for in the Civil Service Act. Nonetheless, the Committee is concerned by the existence of gender stereotypes that cast women as being of an inferior status within the family and in society at large and that are preventing women from exercising all their rights on an equal footing with men.

The Committee recommends that the State party adopt the legislative and other measures required to mainstream the principle of gender equality into public policies relating to economic, social and cultural rights. The Committee also recommends that action be taken to do away with stereotypes and gender roles that discriminate against women within the family and in society at large.

(15) The Committee notes with concern that, although the State party's unemployment rate has dropped to 4 per cent, approximately 40 per cent of the population is engaged in activities within the informal sector of the economy.

The Committee recommends that the State party continue its efforts to reduce unemployment and implement measures to eliminate informal employment. It recommends that the State party develop mechanisms for monitoring the implementation of the Labour Rights Protection Act and the Act in Support of Retailers, Self-employed Persons and Microentrepreneurs in order to ensure that working conditions for all persons in the State party are fair and decent.

(16) The Committee is concerned by the dismissal without cause of at least 11,000 public-sector workers as a consequence of the implementation of Executive Decree No. 813 of 2011. The Committee notes with concern that civil servants who were dismissed have been stigmatized and that many of them have been compelled to take early retirement. The

Committee observes with concern that the dismissals were without cause and were carried out without ensuring that the persons concerned had the benefit of due process.

The Committee recommends that the State party streamline its procedures for compensating all civil servants who have been summarily dismissed and develop placement and training programmes for workers who have been discharged. The Committee recommends that the State party put an end to the practice of dismissing persons without cause.

(17) The Committee notes with concern that, despite the percentage increase in the minimum wage in the State party, which is now sufficient to cover 92 per cent of the cost of the family food basket, the level of the minimum wage differs from one occupational group to another and the law sets a lower minimum wage for domestic workers. The Committee is concerned by the fact that the labour-force participation rate for women is 47.1 per cent while it is 77.1 per cent for men, that women spend more hours working in the home in rural areas and that differences between men's and women's pay levels persist.

The Committee urges the State party to establish the same minimum wage for all occupational groups and to continue to phase in increases in the minimum wage. It also recommends that the State party take the necessary steps to increase the female employment rate and to ensure that women receive an equitable wage for equal work and equal pay for work of equal value. In addition, the Committee recommends that the State party put in place oversight mechanisms to ensure that working conditions are fair in all sectors of the economy.

(18) The Committee reiterates its concern about health and safety conditions in the workplace and, in particular, about working conditions in the sectors employing the largest numbers of workers, such as agriculture, mining and industrial activities. The Committee is concerned that working conditions in agricultural plantations constitute contemporary forms of slavery, as stated by the Special Rapporteur on contemporary forms of slavery. The Committee is concerned that there are not enough labour inspectors or monitoring and oversight mechanisms.

The Committee recommends that the State party strengthen its mechanisms for inspecting and monitoring health and safety conditions in the workplace and, in particular, that it increase the number of labour inspectors and the frequency of their inspections, especially in the sectors employing the largest number of workers, such as agriculture, mining and industrial activities.

(19) The Committee is concerned about the presence of restrictions on the exercise of the right to form trade unions as established in article 8 of the Covenant, the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). It is particularly disturbed by the fact that nearly 2,000 workers belonging to the Petroecuador union were dismissed and that their trade union rights were not respected.

The Committee recommends that the State party take steps to ensure that the right to form trade unions is respected. It urges the State party to ensure that trade union rights are upheld and to proscribe any process that would lead to the dismissal of unionized workers.

(20) The Committee is concerned that the State party has not yet achieved universal social security coverage. It is also concerned about disparities in coverage rates, noting that although 22 per cent of the total population is covered, the coverage rate is only 12 per cent for indigenous women and 18 per cent for Afro-Ecuadorian women.

The Committee recommends that, as a matter of urgency, the State party develop a plan for guaranteeing universal social security coverage and establishing specific mechanisms for giving indigenous women and Afro-Ecuadorian women access to social programmes. The Committee recommends that the State party bear in mind the guidelines set out in its general comment No. 19, on the right to social security (art. 9 of the Covenant), as it works towards the full realization of the right to social security.

(21) The Committee is deeply concerned about the sexual violence and exploitation to which girls and women are being subjected. It is particularly concerned about the sexual abuse committed in schools and the limited results yielded by judicial investigations whose purpose is to identify the responsible parties and lead to the imposition of the corresponding criminal sanctions. The Committee is also concerned that disaggregated information on the age and sex of victims and on whether they live in rural or urban areas has not been forthcoming from the State party. The Committee takes note of the State party's announcement regarding the agreement that is to be signed by the Ministry of Education and the Attorney General's Office under which criminal investigations into suspected cases of sexual violence will be initiated ex officio.

The Committee recommends that the State party step up its efforts to combat gender-based violence through prevention programmes and mechanisms for the protection of women, giving due consideration to the input that can be provided by women and women's organizations. It urges the State party to assign priority to investigations into cases of sexual violence and abuse in schools, to allocate the necessary budgetary funds for centres that deal with various forms of violence, exploitation and abuse, and to develop prevention programmes and programmes to provide mental health and psychosocial services for victims. The Committee recommends that the State party take steps to ensure that perpetrators of sexual violence are never again allowed to engage in activities involving children or adolescents. The Committee requests the State party to include statistics in its next periodic report that are disaggregated by age, sex and geographic location of the victims of such violence.

(22) While noting that progress has been made in reducing the number of child workers and that the minimum legal working age has been raised to 15 years, the Committee reiterates its concern about the persistence of child labour in the State party. In particular, it notes with concern that the poverty of rural households and limited access to a secondary education increase the risk of child labour.

The Committee encourages the State party to redouble its efforts to combat the problem of child labour by means of an emergency plan that will incorporate suitable mechanisms for tracking its results in different regions and in the various sectors of the economy. It urges the State party to conduct systematic labour inspections and to implement public policies aimed at reducing the vulnerability of children and young people in rural and urban areas and promoting full access to secondary school.

(23) The Committee observes that, while the national poverty rate fell to 36.2 per cent in 2011, poverty in some areas, such as the Amazon basin and along the coast, is rising at a considerable pace. The Committee is concerned that the Human Development Voucher, which is intended for persons living in extreme poverty, is not available to all persons in that category and that local authorities are unable to provide sufficient protection for the right of persons living in extreme poverty, especially in rural areas, to an adequate standard of living.

The Committee recommends that, in its implementation of anti-poverty programmes, the State party devote due attention to the differentials and shortfalls existing in urban and rural areas. The Committee recommends that the State party continue to strive to fulfil its commitments with respect to the Millennium Development Goals and

that it consider taking advantage of the technical advisory services that the United Nations Development Programme can provide to assist it to analyse and report on its progress towards the targets associated with the Goals. The Committee urges the State party to establish channels for providing the public with information on the coverage of the Human Development Voucher Programme and to facilitate oversight by the general public of the distribution of vouchers and their impact on recipients' living conditions.

(24) The Committee notes with deep concern that child malnutrition remains a problem in the State party, with the rate of child malnutrition standing at 26 per cent despite the efforts made to reduce it. Malnutrition is most common among indigenous children, who have twice as high a rate of chronic malnutrition as non-indigenous children do. The rate is as high as 50 per cent in areas such as the Andean highlands, where vitamin A and iron deficiencies are prevalent.

The Committee recommends that the State party work with civil society to draw up municipal maps showing the location of population sectors subject to food and nutritional insecurity and that it compile disaggregated information for use in setting priorities for the development of measures to combat malnutrition and mechanisms for monitoring progress towards the achievement of proposed targets. The Committee recommends that the State party expand upon the existing legal framework for the protection of the right to food and that it supplement the Food Sovereignty Organization Act with provisions designed to safeguard food sovereignty.

(25) The Committee is concerned about the environmental impacts of mining and agribusiness projects and, in particular, about their effects on people's ability to exercise their right to water in rural areas.

The Committee recommends that the State party establish environmental protection measures and that, within the framework of mining and agribusiness projects, it adopt specific measures to protect people's right to water.

(26) The Committee is concerned about corporate land purchases and their impact on landownership by campesinos. It is also concerned about living conditions in high-risk zones in which the supply of basic services is not guaranteed and about the effects of what the State party has referred to as "land trafficking".

The Committee recommends that the State party develop land titling plans in order to safeguard campesinos' ownership of their land and establish mechanisms for preventing forced sales in rural areas. The State party should ensure that the resettlement of families located in high-risk areas is carried out in a way that upholds their right to due process and that the families concerned are fully informed about the conditions of their resettlement. The Committee recommends that the State party put in place mechanisms for monitoring evictions and resettlement processes and their impact on such families' right to housing, bearing in mind the Committee's general comments No. 4 and No. 7 on the right to adequate housing and forced evictions (art. 11, para. 1, of the Covenant).

(27) The Committee is concerned about the insufficiency of health-care services, including maternal health services, in rural areas and notes that this is particularly a problem in the case of indigenous women.

The Committee recommends that the State party persevere in its efforts to provide maternal and child health services while devoting special attention to the coverage and accessibility of such services in rural areas and zones inhabited by indigenous peoples.

(28) The Committee is concerned about the pregnancy rate among adolescents in the State party, which, at 82.8 per 1,000 women, is one of the highest of all the Latin American

countries in the high human development category. The Committee is concerned by the extremely low coverage rate (12 per cent) of family planning services and by the existence of restrictions on access to emergency contraceptives, which is prejudicial to women's enjoyment of their right to sexual and reproductive health.

The Committee recommends that, based on a human rights perspective, the State party make the necessary efforts, within the framework of the National Intersectoral Strategy for Family Planning (ENIPLA) and other suitable programmes, to prevent teen pregnancies. The Committee urges the State party to do away with barriers to access to emergency contraceptives and, in particular, to remove restrictions on the free distribution of such contraceptives, to develop strategies for overcoming culturally based prejudices against their provision to women and to carry out campaigns on women's right to have access to such contraceptives.

(29) The Committee notes with concern that, under article 447 of the Criminal Code of Ecuador, the only cases in which an abortion is not an offence is when it is performed because the mother's life or health is endangered or when a woman with mental or psychosocial disabilities has been raped.

The Committee recommends that the State party amend its Criminal Code so as to establish that abortion is not an offence if the pregnancy is the result of rape, regardless of whether or not the woman in question has a disability, or if the existence of congenital anomalies has been established. The Committee urges the State party to expunge the terms *idiota* ("idiot") and *demente* ("insane") in reference to women with mental and/or psychosocial disabilities from its Criminal Code.

(30) The Committee is concerned by the absence of sufficient, disaggregated, up-to-date mental and psychosocial health statistics in the State party. The Committee is also concerned by the rate of HIV/AIDS in the State party and especially by shortcomings in the delivery of antiretroviral drugs and health services, in particular to lesbian, gay, bisexual and transgender persons.

The Committee recommends that, in implementing its health strategy, the State party include mental health as a high-priority issue and establish regular, independent monitoring mechanisms. The Committee requests the State party to provide information on the progress made in the field of mental and psychosocial health in its next periodic report. The Committee recommends that the State party establish guidelines for ensuring that lesbian, gay, bisexual and transgender persons have access to health services, including sexual and reproductive health services, on a non-discriminatory basis.

(31) The Committee is concerned by the persistence of illiteracy and its prevalence among the indigenous population despite the progress that has been made in eliminating schools fees in the primary education cycle. The Committee is concerned about the existence of factors that limit students' access to secondary and higher education and that make it more difficult for students, once they are in school, to remain there. This is particularly the case for indigenous, Afro-Ecuadorian and Montubio adolescents and young persons.

The Committee recommends that the State party continue its efforts to implement its literacy plan and to ensure that it covers rural areas, zones inhabited by indigenous peoples and different age groups. The Committee encourages the State party to develop targeted programmes aimed at helping to ensure that students do not drop out of school and addressing the reasons why they do so. It recommends that the State party ensure the broad-ranging involvement of the public and private education sectors, including parents and guardians, teachers' unions and social movements, in the implementation of State policies.

(32) The Committee is concerned about the psychosocial and physical ill-treatment of adolescents and young people within the education system.

The Committee urges the State party to take effective measures within the education system to prevent the physical and psychological ill-treatment of adolescents and young people and to promote a culture of respect for human rights.

(33) The Committee is concerned that some of the indigenous languages used in the State party may be disappearing. It is also concerned by the fact that not enough informational material has been translated into the various indigenous languages.

The Committee urges the State party to adopt measures, as a matter of urgency, to preserve indigenous languages. It also urges the State party to increase its efforts to translate informational material into the main indigenous languages and to develop mechanisms for fostering their use at the local level with the help of, inter alia, audiovisual media, books and stories.

(34) The Committee is concerned about the fact that, despite the State party's efforts to expand Internet access, the use of cyberspace and access to it remain limited.

The Committee recommends that the State party continue working to expand Internet access and that it redouble its efforts to set up educational and information centres focusing on the use of new technologies and the Internet.

(35) The Committee is concerned that, despite the State party's efforts to combat piracy and intellectual property abuses, the sale and purchase of pirated products are commonplace.

The Committee recommends that the State party redouble its efforts to combat piracy and intellectual property offences. The Committee also recommends that the State party reinforce its national anti-piracy plan by entering into more agreements with corporate licensees.

(36) **The Committee requests the State party to disseminate these concluding observations widely among the members of society, including indigenous peoples and nationalities, at all levels and that it inform the Committee of the steps that it has taken to act upon them in its next periodic report.**

(37) **The Committee requests the State party to submit its fourth periodic report by 30 November 2017 and notes that the report should be prepared in accordance with the revised reporting guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant (E/C.12/2008/2).**

79. Iceland

(1) The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Iceland on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ISL/4) at its 43rd and 44th meetings, held on 21 November 2012 (E/C.12/2012/SR.43–44), and adopted, at its 58th meeting held on 30 November 2012, the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the fourth periodic report of Iceland (E/C.12/ISL/4) and the replies to its list of issues (E/C.12/ISL/Q/4/Add.1). It also appreciates the constructive and frank dialogue it had with the delegation of the State party.

B. Positive aspects

(3) The Committee notes with appreciation:

(a) The high degree of gender equality in the State party;

(b) The new Gender Equality Act, No. 10/2008;

(c) The adoption on 17 March 2009 of the National Plan against Trafficking in Human Beings;

(d) The ratification in 2011 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).

C. Principal subjects of concern and recommendations

(4) The Committee is concerned that the draft Constitution, presented to the Parliament following a revision process undertaken since 2010 by the Constitutional Council, does not encompass all rights as contained in the Covenant (art. 2).

The Committee recommends that the draft Constitution be further revised so as to guarantee reference to all rights as contained in the Covenant, in line with article 2, paragraph 1 of the Covenant.

(5) The Committee regrets that the State party, as yet, does not have a comprehensive anti-discrimination law. The Committee is particularly concerned that persons with disabilities face discrimination with regard to their rights to education, housing and social assistance (art. 2).

The Committee recommends that the State party take steps to adopt comprehensive anti-discrimination legislation. It also recommends that the State party ensure that measures are taken to combat and prevent discrimination, especially against persons with disabilities, in particular with respect to the right to education and housing, as well as social assistance under article 9 of the Covenant.

(6) The Committee is concerned that, despite measures taken by the State party, the national financial and economic crisis has had a negative impact on the realization of economic, social and cultural rights, in particular with regard to the rights to work, social security, housing and education.

The Committee reminds the State party of its obligation under the Covenant to respect, protect and fulfil economic, social and cultural rights progressively, using their maximum available resources. While realizing that some adjustments in the implementation of some of the Covenant rights are at times inevitable, such as during economic crises, it recommends that any proposed policy change or adjustment by the State party in reaction to the economic crisis (a) be of a temporary nature; (b) be necessary and proportionate; (c) not be discriminatory and comprise all possible measures, including tax measures, to support social transfers to mitigate inequalities and to ensure that the rights of the disadvantaged and marginalized individuals and groups are not disproportionately affected; and (d) identify a social protection floor and the minimum core content of rights, ensuring the protection of this core content of rights at all times. The Committee draws the attention of the State party to its open letter on economic, social and cultural rights, and economic and financial crisis, dated 16 May 2012.

(7) The Committee is concerned that the State party has not yet established a consolidated national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

The Committee recommends that the State party take steps to establish a national human rights institution with a broad human rights mandate, including the economic, social and cultural rights of the Covenant, in line with the Paris Principles, and provide it with adequate financial and human resources.

(8) The Committee is concerned about the significant wage gap between men and women. It is also concerned that women continue to be underrepresented in decision-making positions, in particular in the Foreign Service, the judiciary and academia (art. 3).

The Committee recommends that the State party take steps, particularly by ensuring a strict implementation of the Gender Equality Act 10/2008, to eliminate the persistent and significant wage gap between women and men, guaranteeing the principle of equal pay for work of equal value, in accordance with article 7 of the Covenant. It also recommends that the State party take steps to ensure increased representation of women in decision-making positions, in particular in the Foreign Service, the judiciary, and academia.

(9) The Committee is concerned that the unemployment rate is still high compared to the rate before the 2008 crisis, and that young people and immigrants are especially at risk from long-term unemployment (art. 6).

The Committee recommends that the State party intensify its efforts to address the high unemployment rate, including through a comprehensive employment policy, with a special focus on groups at risk of long-term unemployment, such as young people and immigrants.

(10) The Committee is concerned that temporary work permits are issued for work with a specific employer, and that this may increase the vulnerability and dependency of the permit holder on that employer. It is also concerned that an employee alone cannot bring an appeal against decisions by the Directorate of Labour on applications for temporary permits or revocations of such permits (art. 6).

The Committee recommends that the State party take steps to ensure that temporary work permits are issued for a specific type of work/remunerated activity and specific time, rather than with a specific employer. It also recommends that the State party ensure that appeals against decisions by the Directorate of Labour on applications for temporary permits or revocations of such permits can be brought by employees alone, rather than needing the additional approval of the employer.

(11) The Committee is concerned that the State party has not yet introduced a national minimum wage (art. 7).

The Committee recommends that the State party take legislative and other measures to introduce a national minimum wage. It also recommends that the State party ensure that the national minimum wage is periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living.

(12) The Committee is concerned that the State party has imposed compulsory arbitration through legislative intervention into the collective bargaining process for the determination of the terms and conditions of employment of fishermen (art. 8).

The Committee recommends that the State party take measures to improve the existing procedures for collective bargaining, with the aim to promote free and voluntary collective bargaining and to ensure that compulsory arbitration is avoided.

(13) The Committee is concerned that, despite efforts undertaken since the economic and financial crisis, the social benefits system does not provide for levels of benefits sufficient to ensure a decent living for certain groups, in particular single-parent families (art. 9).

The Committee recommends that the State party take measures to ensure that the social benefits system provides for a minimum essential level of benefits, ensuring a decent living for all beneficiaries, including single-parent families. It also recommends that the State party ensure that levels are monitored regularly and adjusted according to the cost of living.

(14) The Committee is concerned that the enjoyment of unemployment insurance according to Act No. 54/2006 remains too restrictive (art. 9).

The Committee recommends that the State party expand the coverage of unemployment insurance to all unemployed persons, especially the vulnerable and underprivileged groups.

(15) The Committee is concerned that domestic violence is not specifically defined as a crime, despite the explanations given by the State party in paragraph 43 of its replies to the list of issues. It is concerned about persisting attitudes and stereotypes leading to violence against women. The Committee is also concerned that immigrant women remain insufficiently aware of the amendments to the Act on Foreigners, which states that a family reunification permit may still be extended when a marriage/cohabitation ends due to domestic violence (art. 10).

The Committee recommends that the State party take steps to specifically define domestic violence as a crime, and preferably in the Penal Code. The Committee recommends that the State party continue its efforts to conduct national public information campaigns and stimulate broader public discussion with the aim to address attitudes and stereotypes leading to violence against women. It also recommends that the State party intensify its efforts to reach out to immigrant women to inform them of their rights in the context of domestic violence.

(16) The Committee is concerned that, despite the State party's efforts to combat poverty, the financial and economic crisis since 2008 has led to an increase in the rate of persons that live below the low-income threshold, in particular families with children and single parent families. The Committee is also concerned that persons with disabilities face difficulties in realizing their right to an adequate standard of living, in particular access to adequate food (art. 11).

The Committee recommends that the State party strengthen its efforts to combat poverty and social exclusion, in particular of families with children, single parent families, and persons with disabilities. The Committee draws the attention of the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights, and reminds the State party of its obligation, even under severe resource constraints, to protect vulnerable groups of society, as stated in paragraph 12 of its general comment No. 3 (1990) on the nature of States parties' obligations.

(17) The Committee is concerned that the extensive cuts to the health sector budget since 2008 have resulted in a reduction of the quality and availability of public health-care services, including the closure of facilities and reduction in the number of personnel. The Committee is also concerned that there are financial constraints for families with children with disabilities in accessing required health-care services, such as dentists or speech therapists, as well as language barriers for immigrants in accessing health care (art. 12).

The Committee recommends that the State party take steps to address the negative impact of the financial crisis on the health sector, including through increasing its public health-care budget. It also recommends that the State party take steps to ensure that required health-care services are fully accessible for all, including for immigrants and children with disabilities. In this respect, the Committee draws the

attention of the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

(18) The Committee is concerned that the extensive budget cuts to the educational sector since 2008 have led to a reduction in staffing, merging of class groups and cancellation of courses, particularly affecting children with special needs. It remains concerned about the high dropout rate in upper secondary education, in particular of students with an immigrant background (art. 13).

The Committee recommends that the State party take steps to increase the budget for the public education system for all education levels, in particular primary and lower secondary education, and to remedy the recent staff reductions, merging of class groups and cancellation of courses. It recommends that the State party continue to take measures to improve facilities in the school system for children with special needs, in particular in the upper secondary level. The Committee also recommends that the State party intensify its efforts to address the high dropout rate in upper secondary education of students with an immigrant background. The Committee draws the attention of the State party to its general comment No. 13 (1999) on the right to education.

(19) **The Committee recommends that the State party take steps to ensure that all disadvantaged and marginalized groups and individuals, including persons with disabilities, as well as children from low-income families and migrant children, and older persons can fully enjoy their right to take part in cultural life. It recommends that this also include steps to ensure access to cultural events for persons with disabilities through sufficient and timely availability of their transport facilities. The Committee requests that the State party include in its next periodic report information on measures taken to guarantee the right of everyone to enjoy the benefits of scientific progress and its applications, in conformity with article 15, paragraph 1 (b) of the Covenant.**

(20) **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

(21) **The Committee encourages the State party to ratify the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as to consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

(22) **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

(23) **The Committee requests the State party to submit its fifth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 November 2017.**

80. Mauritania

(1) The Committee on Economic, Social and Cultural Rights considered the initial report on the implementation of the International Covenant on Economic, Social and

Cultural Rights in Mauritania (E/C.12/MRT/1) at its 36th to 38th meetings, held on 15 and 16 November 2012 (E/C.12/2012/SR.36–38), and adopted, at its 58th meeting, held on 30 November 2012, the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the initial report of Mauritania. The Committee also welcomes the dialogue it had with the delegation of the State party, but regrets the absence of experts from relevant ministries and departments. The Committee would have wished more precise and complete answers to the questions posed during the dialogue.

(3) The Committee regrets that the report did not provide any information on the implementation of article 3 on the equal right of men and women to the enjoyment of all economic, social and cultural rights. The Committee also regrets the paucity of information supplied on the implementation of article 6 on the right to work, article 7 on the right to the enjoyment of just and favourable conditions of work, and article 8 on union rights.

(4) The Committee thanks the State party for the written replies to the list of issues (E/C.12/MRT/Q/1/Add.1), but regrets that the replies did not cover all the issues.

B. Positive aspects

(5) The Committee notes with satisfaction the ratification by the State party of several human rights treaties in the past five years.

(6) The Committee notes with appreciation:

(a) The expansion of public infrastructure in recent years which has opened up some remote areas and brought public services nearer to the population;

(b) The upgrading of slums in Nouakchott;

(c) The adoption of the National Health Policy, the 2012 National Plan for the Health Development, and the creation of the faculty of medicine at the University of Nouakchott;

(d) The notable improvement of the enrolment rate at the primary level of education since the adoption of Act 2001-054 on compulsory basic education and the implementation of the 2001–2010 National Programme for the Development of the Education Sector.

C. Principal subjects of concern and recommendations

(7) The Committee is concerned that the provisions of the Covenant have not been invoked by the State party's courts, in spite of the constitutional guarantee of the primacy of international agreements ratified by the State party over domestic laws. The Committee is also concerned that the Covenant was never published in the Official Gazette (art. 2, para. 1).

The Committee calls on the State party to ensure that the Covenant is published in the Official Gazette. The Committee also calls on the State party to raise awareness of economic, social and cultural rights, as contained in the Covenant, and their justiciability among the professionals of the justice system and the general public and to take necessary measures, such as the effective provision of legal aid, to promote access to justice. The Committee requests the State party to submit in its next periodic report detailed information on cases before the courts in which the provisions of the Covenant have been invoked. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

(8) The Committee is concerned at the negative impact of extractive and mining activities in the State party on the environment and on the population's enjoyment of the right to health, as illustrated by the serious public health problems encountered in mining towns such as Akjoujt. The Committee is concerned that this is indicative of insufficient regulatory measures and weak enforcement capacity. The Committee is further concerned that these extractive and mining activities have hitherto generated little employment for the local population (arts. 2 and 11).

The Committee calls on the State party to (a) implement the Extractive Industries Transparency Initiative; (b) ensure that adequate sanctions are applied for breach of environmental clauses in extractive and mining contracts; (c) take corrective measures to address environmental and health hazards caused by extractive and mining activities; (d) ensure that the free, prior and informed consent of the population is obtained in decision-making processes on extractive and mining projects affecting them; and (e) ensure that these activities as well as the resources generated, bring about tangible benefits to the enjoyment of economic, social and cultural rights by the population.

(9) The Committee is concerned that corruption affects all sectors of the State, including the judiciary, which results in a considerable loss of resources for the implementation of economic, social and cultural rights.

The Committee calls on the State party to expedite the establishment of the national anti-corruption observatory and recommends that the State party intensify its efforts to combat corruption and impunity associated with it and ensure the transparency of the conduct of public affairs, in law and in practice. It also recommends that the State party take steps to raise the awareness among politicians, parliamentarians, and national and local civil servants on the economic and social costs of corruption, as well as among judges, prosecutors, and law enforcement officers on the strict application of anti-corruption legislation.

(10) The Committee is deeply concerned that, under the Personal Status Code of 2001, adult women are placed under guardianship, 'hadhana', if unmarried. The Committee is also deeply concerned about the other provisions of the Code assigning different roles, duties and rights to the husband and the wife in family matters, and different treatment to girls and to boys, resulting in inferior social status to women and girls and the deprivation of their equal rights provided in the Covenant. The Committee is further concerned at the State party's reluctance, invoking religious grounds, to take steps to amend the 2001 Code (arts. 3 and 10).

Recalling the reaffirmation in the Vienna Declaration of the obligation of States to counter religion or belief-based practices of discrimination on the ground of gender and the obligations of the State party under the Covenant to guarantee the equal right of men and women to the enjoyment of economic, social and cultural rights, the Committee urges the State party to take steps towards the amendment of the provisions of the 2001 Personal Status Code which are discriminatory on the ground of sex, especially against women. In particular, it calls on the State party to raise awareness among the population, including religious leaders, of the discriminatory nature of the guardianship as well as of the differentiated roles and responsibilities of the spouses in family matters, as far as they contravene the Covenant. It also calls on the State party to define and prohibit all forms of discrimination against women in its legislation. In this regard, the Committee refers the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and rights.

(11) The Committee notes with concern that more than half of the female population of the State party is illiterate. Moreover, the Committee is concerned that only a small percentage of women in the State party is employed in salaried work and few women occupy high positions in the Government and in elected bodies, in spite of the introduction of quotas. The Committee is further concerned at the reluctance of the State party to bring about changes, as illustrated by the statement made by the delegation, that women's place in society is not fulfilled through employment or a professional career (arts. 3 and 6).

The Committee urges the State party to address the root causes of unemployment among women, including by (a) carrying out awareness-raising campaigns to change the society's perception of gender roles; (b) ensuring that girls pursue their education at all levels and have access to secondary and higher education; (c) effectively enforcing the quotas provided for by the law; and (d) eliminating other forms of discrimination against women in employment, such as their ineligibility for a position in the magistracy.

(12) The Committee is concerned that, in spite of the implementation of the 2008–2012 national strategy for employment, unemployment rate remains high in the State party, especially among young people (art. 6).

The Committee urges the State party to pursue its efforts aimed at reducing unemployment, especially among the youth, and to ensure that the scope of measures taken and resources invested are commensurate with the scale of unemployment in the State party, with a view to securing the progressive fulfilment of the right to work. The Committee also calls on the State party to adopt a human rights-based approach in the implementation of the 2011–2015 priorities. In this regard, the Committee calls on the State party to take into consideration its general comment No. 18 (2005) on the right to work.

(13) The Committee is concerned that a large number of persons and families are employed in situations of de facto slavery, in spite of the adoption in 2007 of the Slavery Act. The Committee is also concerned at the very low number of prosecutions under the Act despite the fact that it entered into force in 2007 (arts. 6, 7 and 11).

The Committee urges that the State party to take vigorous measures with a view to eliminating slavery and to implement the provisions of the Slavery Act. In this regard, the Committee calls on the State party to commit to the action plan for the implementation of the recommendations made by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, following her mission to the State party in 2009. The Committee should also raise awareness that all work should be entered into freely and respect the fundamental rights of the human person as well as the rights of workers in terms of safe and healthy conditions and remuneration.

(14) The Committee is concerned at the lack of any form of monitoring of conditions of work in the informal economy and at the absence of opportunity for social security affiliation for workers therein. The Committee is also concerned that the informal economy still employs the majority of the working population, in spite of the measures introduced by the State party to encourage the registration of businesses and to regulate domestic work (art. 7).

The Committee recommends that the State party intensify efforts aimed at the progressive reduction of the level of informal employment, including by affording individual workers the opportunity to register themselves and to subscribe to social security schemes, irrespective of the registration of the employer. It also recommends that the State party raise awareness among the population that labour rights, and just

and favourable working conditions of work in particular, also apply to the informal economy.

(15) The Committee regrets that the State party has not ascertained whether the level of the national minimum wage enables a decent living for the workers and their families (art. 7).

The Committee calls on the State party to take steps to ensure that the amount of the national minimum wage is sufficient to enable a decent standard of living for all workers and their families.

(16) The Committee is concerned that the establishment of a trade union is subject to authorization, as stipulated by articles 275 and 276 of the 2004 Labour Code. Moreover, the Committee is concerned that the exercise of trade union rights is not fully guaranteed in practice, as exemplified by the exclusion of trade unions from social dialogues as well as reports of anti-union actions by multinational companies established in the State party (art. 8).

The Committee urges the State party to bring its legislation on union rights into conformity with article 8 of the Covenant and the provisions of ILO Conventions 87 (1948) and 98 (1949). It also urges the State party to protect trade union rights, especially in the private sector, and to effectively investigate all allegations of violations of trade union rights brought to its attention.

(17) The Committee is concerned that the social security system of the State party is targeted at the segment of the population with stable employment. It is also concerned that no scheme is currently available to the majority of population which is most vulnerable to loss of income or without income. Moreover, the Committee is concerned that the existing system does not provide coverage for unemployment and old age benefits (art. 9).

The Committee calls on the State party to take the necessary measures to improve the coverage of the social security system. In particular, it recommends that the State party (a) improve the management of existing social protection institutions; (b) expand the coverage of the system to include unemployment and old age and develop non-contributory schemes; (c) adopt necessary legislative or regulatory measures enabling the setting up of other forms of contributory schemes, such as privately-run schemes and community-based or mutual schemes; and (d) support the establishment of schemes which are affordable, locally-based, and accommodate irregular incomes. The Committee refers the State party to its general comment No. 19 (2007) on the right to social security.

(18) The Committee notes with concern that early marriage remains common in the State party and that a person without legal capacity may be entered into a marriage contract without his or her consent if found to be in his or her interest by the guardian (art. 10).

The Committee urges the State party to prevent early marriage under the legal minimum age of 18 and to amend article 6 of the Personal Status Code so as to ensure that marriage is entered into with the free consent of the intending spouses.

(19) The Committee is concerned that a large number of births are not registered in the State party and that the reform of civil status introduced in 2010 places additional obstacles to birth registration, including by requiring the marriage documents of parents (art. 10).

The Committee urges the State party to simplify birth registration procedures so as to take account of the constraints faced by the population, such as geographical barriers and the difficulty in obtaining or producing official documents, including in respect to children born out of wedlock. The Committee also calls on the State party to facilitate birth registration by allowing late registration without fines as well as through the

health-care system and by coupling regular vaccination campaigns with campaigns for birth registration.

(20) The Committee is concerned about the vulnerable conditions of children who live in the street as well as those who are engaged in labour in the State party (art. 10).

The Committee recommends that the State party (a) strictly enforce existing legislation against child labour and expedite the adoption of the draft law on the prohibition of child labour; (b) consider the extension of mandatory education to the secondary level as a means to prevent child labour and keep children away from living in the street; (c) address the root causes of child labour and the situation of street children in the State party's poverty reduction strategy; and (d) expand the capacity of the *Centre de Protection et d'Intégration Sociale des Enfants*. The Committee requests the State party to provide in its next periodic report information, including statistical data, on the prosecution of child labour offences.

(21) The Committee notes with concern that the practice of female genital mutilation (FGM) remains highly prevalent in the State party, in spite of the measures taken (art. 10).

The Committee calls on the State party to effectively implement the national strategy for the elimination of FGM. The Committee also recommends that the scope of the new criminal law on rape comprise all forms of sexual violence, including marital rape and provide for adequate protection of victims against additional trauma during the various stages of the legal proceedings. The Committee also recommends that adequate assistance and rehabilitation services be provided to victims of sexual violence.

(22) The Committee notes with concern that, despite the progress achieved in poverty reduction, a large proportion of the population, especially women, former slaves and descendants of slaves, still lives in poverty, including extreme poverty. The Committee is particularly concerned that disparities among the various wilayas remain significant, in spite of the implementation of Regional Programmes for Poverty Reduction (art. 11).

The Committee recommends that the State party take all necessary measures to further reduce poverty and, in particular, eliminate extreme poverty, by paying particular attention to women, former slaves and descendants of slaves as well as disadvantaged and marginalized individuals and groups living in the wilayas most affected by poverty. The Committee requests the State party to include in its next periodic report disaggregated and comparative data, by year and by wilaya, on the percentage of the population living in poverty and extreme poverty. The Committee draws the State party's attention to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights.

(23) While acknowledging the severe draught that often affects the State party, the Committee notes with concern the frequent food crises occurring in the State party as well as the chronic food insecurity which has affected some 500,000 to 2 million persons over the last five years. Moreover, the Committee is concerned that, in spite of the measures taken by the State party to respond to food shortages such as rapid action programmes, it did not receive information about steps taken to address the structural causes of food insecurity, as identified by the *Commissariat à la Sécurité Alimentaire* (art. 11).

The Committee urges the State party to strengthen its food security mechanisms, from production to distribution. The Committee requests the State party to include, in its next periodic report, information on the measures taken in this regard and the results achieved. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food.

(24) The Committee regrets that the State party has not provided information on the occurrence of homelessness, forced evictions or on the shortage of social housing, nor on the measures taken to address them (art. 11).

The Committee requests the State party to include in its next periodic report detailed information on measures taken to address the issues of homelessness, forced evictions, and the shortage of social housing, including both in urban and rural areas.

(25) The Committee is concerned that, in spite of the implementation of the 2009–2011 National Action Plan, access to basic health services remains limited in rural and remote areas. Moreover, the Committee expresses concern at the shortages of qualified staff and medical equipment. The Committee is also concerned that health care is unaffordable for the majority of the population while only civil servants and parliamentarians can enrol in the State party's medical insurance scheme (art. 12).

The Committee recommends that the State party pursue the decentralization of health-care resources and activities with a view to achieving universality of health-care services. The Committee also calls on the State party to implement the national human resources plan with emphasis on the quality of medical training and continuing education for health-care professionals and the retention of staff in remote areas. The Committee also urges the State party to devise health-care insurance schemes so as to ensure that payment for health-care services is affordable for all and that poorer households are not disproportionately burdened by health expenses. The Committee refers the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

(26) The Committee is concerned at the inadequate monitoring and control exercised by the State party over the functioning of private medical service providers as well as the pricing and the quality of medical supplies on the market. The Committee is also concerned at the absence of adequate laws regulating the practice of traditional medicine (art. 12).

The Committee urges the State party to take appropriate measures for the effective enforcement of existing laws applicable to health care in the private sector as well as to the pricing and quality of medical supplies on the market. The Committee also calls on the State party to regulate traditional medicine so as to meet the requirements of quality and acceptability of the right to health. The Committee draws the attention of the State party to its general comment No. 14 (2000).

(27) The Committee is concerned that, in spite of the State party's success in containing the spread of HIV/AIDS, its prevalence is exceptionally high among sex workers and detainees. The Committee is also concerned at risk factors such as the limited knowledge of methods of prevention among women and the very low use of condoms especially among sexually active young males (art. 12).

The Committee encourages the State party to pursue its efforts aimed at combating HIV/AIDS and calls on it to take specific protective measures targeted at sex workers and detainees and to disseminate information as to how HIV/AIDS can be effectively prevented, including by using condoms. The Committee also recommends that the State party decentralize the provision of antiretroviral treatment to regional hospitals and health centres.

(28) The Committee notes with concern that maternal and infant mortality remains high in spite of improvement in the provision of maternal health services. The Committee is also concerned at the very low rate of contraception use in the State party (art. 12).

The Committee calls on the State party to continue to expand the provision of obstetrical and neonatal care as well as of sexual and reproductive health services, in particular in rural and remote areas.

(29) The Committee is concerned that access to safe drinking water remains a problem, in spite of the considerable investments made by the State party. The Committee is further concerned that the lack of adequate sanitation systems has led to the contamination of the State party's scarce water resources in some areas (art. 12).

The Committee calls on the State party to invest more resources for the improvement of access to safe drinking water and to take measures to protect water sources from contamination and to ensure the safety of water supplied to the population. The Committee also recommends that the State party improve access to safe sanitation services, particularly in rural areas, by the most disadvantaged and marginalized groups. Furthermore, the Committee calls on the State party to ensure that water and sanitation policies take account of the increase in demand in the near future in urban areas as a result of sedentarization of nomadic people and rural exodus. The Committee refers the State party to its general comment No. 15 (2002) on the right to water and its statement on the right to sanitation.

(30) The Committee remains concerned at the high school dropout rate and the poor quality of education, in spite of the increase in enrolment rate in primary education. The Committee is concerned at the resulting low level of literacy in the State party. Moreover, the Committee is concerned that fewer children, especially girls, have access to secondary education (art. 13).

The Committee calls on the State party to continue to address the various obstacles to the enjoyment of the right to education, including the distance to school, the cost of education and the social and cultural factors involved such as girls' duties at home. The Committee also calls on the State party to intensify its efforts for the reintegration in school of children who have dropped out, to invest in the training of teachers, to improve the accessibility of secondary and higher education as well as vocational training, and to put into place scholarship schemes. The Committee encourages the State party to take this recommendation into account at the upcoming education review.

(31) While noting the Arabic-French bilingualism in education in the State party, the Committee is concerned that the teaching and use of the other national languages — the Pulaar, Soninke and Wolof — are not sufficiently promoted.

The Committee calls on the State party to promote the teaching of the Pulaar, the Soninke and the Wolof in school as well as their use in official proceedings so as to avoid discrimination against non-Arabic speakers.

(32) The Committee regrets that it has not been provided with information on concrete measures taken to promote the specific cultural heritages of the State party's ethnic minorities, namely, the Pulaar, the Soninke and the Wolof (art. 15).

The Committee requests the State party to provide, in its next periodic report, information on measures taken for the promotion of the cultural heritage of ethnic minorities, and the share of the public budget for culture invested therein. In this regard, the Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

(33) **The Committee encourages the State party to continue to promote the participation of the population in the realization of economic, social and cultural rights, including by introducing a declaratory system permitting the free registration of non-governmental organisations so that they can function in independence, and by lifting the restrictions imposed on non-profit radio broadcasting stations by the law on the liberalization of radio broadcasting.**

(34) **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

(35) **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all relevant actors, including the national human rights institution, non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

(36) **The Committee requests the State party to submit its second periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 November 2017.**

81. United Republic of Tanzania

(1) The Committee on Economic, Social and Cultural Rights considered the initial to third periodic reports of the United Republic of Tanzania on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/TZA/1-3) at its 31st, 32nd and 33rd meetings, held on 13 and 14 November 2012 (E/C.12/2012/SR.31–33), and adopted, at its 58th meeting held on 30 November 2012, the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the initial to third periodic reports of the United Republic of Tanzania (E/C.12/TZA/1-3), albeit with a considerable delay, the replies (E/C.12/TZA/Q/1-3/Add.1) to the list of issues (E/C.12/TZA/Q/1-3), as well as the common core document (HRI/CORE/TZA/2012). It regrets, however, that during the dialogue many questions posed by the Committee remained unanswered.

B. Positive aspects

(3) The Committee notes with appreciation efforts made by the State party in promoting the implementation of economic, social and cultural rights. The Committee welcomes in particular:

(a) The establishment of the Prevention and Combating of Corruption Bureau under the Prevention and Combating of Corruption Act No. 11 of 2007;

(b) The adoption in 2008 of the Anti-Trafficking in Persons Act;

(c) The adoption in 2010 of the Persons with Disabilities Act;

(d) The significant improvement in primary school enrolment rates.

C. Principal subjects of concern and recommendations

(4) The Committee is concerned that the provisions of the Covenant have not been fully incorporated into the domestic legal order. It is also concerned that the State party invokes traditional values to explain practices that are not in line with obligations flowing from international human rights law, such as polygamy, female genital mutilation (FGM), as well as corporal punishment of children in schools (art. 2, para. 1).

The Committee urges the State party to take the necessary measures to give the Covenant full effect in its domestic legal order, throughout its territory, including through the planned constitutional review prior to 2015. The Committee also calls on the State party to ensure that redress for violations of the Covenant rights can be

sought, and that the curriculum of training centres for judges includes all economic, social and cultural rights, as contained in the Covenant.

(5) The Committee is concerned that the State party has not yet adopted a comprehensive anti-discrimination bill. It is also concerned that persons living with or affected by HIV/AIDS, persons with disabilities and persons with albinism face social stigma and discrimination, despite policy and legislative measures taken by the State party (art. 2).

The Committee recommends that the State party adopt a comprehensive anti-discrimination bill. The Committee recommends that the State party take steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, persons with albinism, persons living with or affected by HIV/AIDS, lesbian, gay, bisexual and transgender (LGBT) individuals and persons belonging to disadvantaged and marginalized groups, and ensure their enjoyment of the rights enshrined in the Covenant, in particular access to employment, social services, health care and education. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

(6) The Committee is concerned that the Penal Code criminalizes homosexuality (art. 2).

The Committee recommends that the State party take urgent steps to amend the Penal Code to decriminalize homosexuality.

(7) The Committee is concerned that corruption is widespread, despite sustained efforts undertaken by the State party to combat it, and that the Prevention and Combating of Corruption Act No. 11 of 2007 providing for criminal penalties for official corruption is not implemented effectively. It is concerned that a significant portion of the national budget is lost due to corruption, including theft and fraud, fake purchasing transactions, and so-called "ghost workers" (art. 2).

The Committee recommends that the State party intensify its effort to combat corruption and impunity associated with it and ensure the transparency of the conduct of public authorities, in law and in practice. It recommends that the State party take steps to raise the awareness among politicians, parliamentarians and national and local civil servants of the economic and social costs of corruption, as well as among judges, prosecutors, and law enforcement officers of the strict application of anti-corruption legislation.

(8) The Committee is concerned that women in rural and remote areas face particular hardship and challenges in the realization of their economic, social and cultural rights, and that their situation is aggravated by poverty, illiteracy, difficulties in accessing health and social services and non-participation in decision-making processes. It is also concerned that despite the Land Act No. 4 (1999, amended 2004) and the Village Lands Act No. 5 (1999), rural women still face discrimination regarding ownership of land (art. 3).

The Committee recommends that the State party take steps to ensure that women in rural areas, and in particular those who are heads of household, participate in decision-making processes and have improved access to health, education, clean water and sanitation services, income-generating projects and actual ownership of land.

(9) The Committee is concerned that the unemployment rate remains high, despite a decrease in the past decade, and that the informal economy is estimated to represent more than 90 per cent of the overall economy. It is also concerned that the proportion of women among wage earners is low, constituting only about 30 per cent of paid employees (art. 6).

The Committee recommends that the State party increase its efforts to combat unemployment through specifically targeted measures. It recommends that the State party take measures to regularize the situation of informal sector workers by progressively improving their working conditions and including them in social security schemes. The Committee also recommends that the State party take measures to increase the access of women to employment in the formal sector, in particular those living in rural areas.

(10) The Committee is concerned that internationally recognized labour standards are not effectively enforced, particularly in the informal sector. It is concerned about extremely dangerous working conditions, especially in the construction and mining industries. It is also concerned that the inspection system managed by the Ministry of Labour lacks the necessary financial and human resources (art. 7).

The Committee recommends that the State party take measures to ensure safe and healthy conditions of work and their enforcement in practice, especially in construction and in mining, as well as in the informal sector. It recommends that the State party ensure that the inspection system of the Ministry of Labour is adequately resourced, including with a sufficient number of labour inspection officers. The Committee also recommends that the State party ensure that workers receive adequate compensation for work-related accidents or sickness, in line with the 2008 Workman's Compensation Law.

(11) The Committee is concerned that the list of public services where strikes are prohibited is extensive and that strikes in other sectors may be temporarily or permanently banned after an investigation process by the Essential Services Committee. It is also concerned that some employers, in particular in the services, tourism, mining and manufacturing sectors, have threatened dismissal as a reaction to trade union involvement of employees (art. 8).

The Committee recommends that the State party take steps to limit the scope of the definition of "essential services" for which strikes are prohibited, so that only the most essential services are subject to this prohibition. It recommends that the State party take measures to ensure that employees who engage in trade union activities are protected from any retaliatory actions and that they are able to exercise freely their rights under article 8 of the Covenant.

(12) The Committee is concerned that social security coverage is very low in the State party and insufficient to provide for a decent living, and that the State party has not yet established a universal social security system that is periodically reviewed to keep in line with the cost of living (art. 9).

The Committee recommends that the State party take steps to establish a universal social security system, taking into account the Committee's general comment No. 19 (2007) on the right to social security, and is periodically reviewed to ensure it keeps step with the cost of living and at a level sufficient to ensure a decent living.

(13) The Committee is concerned that domestic violence and sexual abuse of women and children is widespread, that women are often prevented from reporting domestic violence and that the prosecution rate of perpetrators is low. It is also concerned that domestic violence and spousal rape are not specifically criminalized (art. 10).

The Committee urges the State party to take steps to prohibit and criminalize domestic violence and spousal rape and ensure that all perpetrators of such crimes are prosecuted. It recommends that the State party ensure that victims of domestic violence have access to justice, by encouraging the reporting of crimes, and that perpetrators are prosecuted and punished. The Committee also recommends that the

State party ensure that victims have access to adequate services for recovery, counselling and other forms of rehabilitation, and take steps to raise public awareness of domestic violence and spousal rape. It also urges the State party to intensify its efforts to combat the sexual abuse of children.

(14) The Committee is concerned that corporal punishment of children is lawful as a sentence of the courts, as well as a form of discipline in schools, alternative-care institutions and the home (art. 10).

The Committee urges the State party to take legislative and other measures to prohibit and prevent corporal punishment of children in all settings, in particular as a sentence of the courts, as well as in schools, alternative-care institutions and the home.

(15) The Committee is concerned that, despite the Employment and Labour Relations Act, 2004, and the Law of the Child Act, 2009, child labour is widespread and that many children are engaged in economic activities that are hazardous and dangerous (art. 10).

The Committee recommends that the State party intensify its efforts to combat child labour and particularly strive to eliminate the worst forms of child labour, including through effective enforcement of legislative provisions prohibiting child labour.

(16) The Committee, while recognizing progress made by the State party, is concerned that, in spite of the measures taken by the State party about the high number of children living and/or working in the street, in particular in Dar es Salaam, Mwanza and Arusha. It is also concerned that these children are exposed to various forms of violence, including sexual abuse and exploitation, and have limited access to health services and education (art. 10).

The Committee recommends that the State party continue to take steps to address the high number of children living and/or working in the street, in particular in Dar es Salaam, Mwanza and Arusha, address the root causes of the phenomenon and improve the access of all street children to health services and education.

(17) The Committee is concerned that the State party is a source, transit and destination country for trafficking in persons. It is also concerned about the high level of internal trafficking from rural to urban areas affecting children, which is carried out for the purposes of exploitation in domestic servitude, petty trade and prostitution (art. 10).

The Committee recommends that the State party take steps to combat and prevent trafficking in persons and internal trafficking of children, including through the effective implementation and enforcement of the Anti-Trafficking in Persons Act 2008, and effective and sufficient costing of the National Anti-Trafficking Action Plan 2011–2015.

(18) The Committee is concerned that, in spite of the criminalization of the practice of female genital mutilation (FGM), it remains highly prevalent in rural areas, and that knowledge among women of the related risks is very low (art. 10).

The Committee recommends that the State party ensure effective enforcement of the Criminal Code provisions criminalizing FGM, expand programmes against FGM — prioritizing those regions with a high prevalence — and organize media campaigns and other outreach activities on FGM.

(19) Despite the adoption by the State party of the National Strategy for Growth and Reduction of Poverty, the Committee is concerned that poverty remains widespread, with 34 per cent of the population living below the basic needs poverty line. It is also concerned that older people caring for children because of HIV/AIDS or labour migration issues are particularly disadvantaged (art. 11).

The Committee recommends that the State party intensify steps taken to reduce poverty and eradicate extreme poverty, in particular in rural areas and among older people caring for children because of HIV/AIDS or labour migration issues. The Committee requests that the State party include in its next periodic report disaggregated and comparative data, by year and by rural and urban regions, on the extent of poverty and progress made in its efforts to combat it. The Committee draws the State party's attention to the Committee's statement on Poverty and the International Covenant on Economic, Social and Cultural Rights adopted on 4 May 2001.

(20) The Committee is concerned about the housing shortage in the State party, overcrowding, the poor quality of accommodation, the lack of basic services and the high percentage of the urban population living in slums (art. 11).

The Committee recommends that the State party take urgent measures to ensure access to adequate and affordable housing with legal security of tenure for everyone, introduce a public housing scheme, build more low-cost housing for disadvantaged and marginalized individuals and groups and take priority measures for homeless persons and persons living in substandard housing in shanty towns. It requests the State party to include in its next periodic report information on the extent and the root causes of homelessness in the State party and measures taken to address this problem. The Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing.

(21) The Committee notes with concern that many people living in the State party, particularly in central, south east and north east Tanzania, are prone to food insecurity. It is also concerned about the high rates of malnutrition and chronic hunger of children in rural areas (art. 11).

The Committee recommends that the State party take steps to address chronic food insecurity, chronic malnutrition and the critical nutritional needs of children, in particular in central, south-eastern and north-eastern regions. The Committee draws the State party's attention to its general comment No. 12 (1999) on the right to adequate food.

(22) The Committee is concerned that several vulnerable communities, including pastoralist and hunter-gatherer communities, have been forcibly evicted from their traditional lands for the purposes of large-scale farming, creation of game reserves and expansion of national parks, mining, construction of military barracks, tourism and commercial game-hunting. The Committee is concerned that these practices have resulted in a critical reduction in their access to land and natural resources, particularly threatening their livelihoods and their right to food (art. 11).

The Committee recommends that the establishment of game reserves, the granting of licences for hunting and other projects on ancestral lands are preceded by free, prior and informed consent of the people affected. It recommends that the State party ensure that vulnerable communities, including pastoralist and hunter-gatherer communities, are effectively protected from forced evictions from traditional lands. It also recommends that past forced evictions and violations that have taken place during those evictions are properly investigated, the perpetrators brought to justice, the findings made public and those evicted offered adequate compensation. The Committee draws the attention of the State party to its general comment No. 7 (1997) on forced evictions.

(23) The Committee is concerned that there is no universal health-care coverage. It is also concerned about the shortage of qualified health-care professionals, shortages in

medical supplies, in particular in rural clinics, and difficulties in access to health-care centres owing to how far they are from villages (art. 12).

The Committee recommends that the State party intensify steps to ensure universal health-care coverage, including through allocation of increased resources, adequate provision of medical equipment and staff at health centres, and ensuring coverage of health-care services for rural villages.

(24) The Committee notes with concern the high infant, under-5 and maternal mortality, and the low number of births that are assisted by a skilled birth attendant, especially in rural areas. The Committee is also concerned about the high rate of teenage pregnancies (art. 12).

The Committee recommends that the State party take urgent steps to reduce the high infant and under-5 mortality and to ensure that births are assisted by skilled birth attendants. It recommends that the State party intensify its efforts to improve women's access to basic obstetric and neonatal care, reproductive health services and to basic health-care centres, in particular in rural areas. The Committee recommends that the State party take measures to address the high rate of teenage pregnancies, including through family-planning information and services, ensuring access to contraceptives regardless of marital status or age and promoting sexual and reproductive health as part of the education curriculum targeted at adolescent girls and boys.

(25) The Committee is concerned about the exposure to highly toxic substances, such as mercury and other dangerous chemicals, of people, especially women and children, who engage in artisanal mining activities. It is also concerned about the impact of artisanal mining and the chemicals used on the environment and livelihoods of local communities, including contamination of such water sources as rivers, lakes and other bodies of water (art. 12).

The Committee recommends that the State party take urgent steps to ensure that no persons, especially women and children, are exposed to highly toxic substances such as mercury and other dangerous chemicals while engaging in artisanal mining activities, including by raising the awareness of the local population, inspecting artisanal mining areas and monitoring the impact of such activities, including on water sources.

(26) Despite progress achieved in primary education enrolment following the abolition of school fees in 2011, the Committee is concerned about indirect costs in primary education, such as for textbooks, uniforms and school lunches. It is also concerned about inadequacies in the educational infrastructure, with schools often lacking water and sanitation, and shortages of text books and the limited number of qualified teachers (art. 13).

The Committee recommends that the State party take steps to raise the overall quality of education, further increase the number of teachers and improve the availability of textbooks and other educational materials. The Committee recommends that the State party take steps to improve the physical environment of schools, including ensuring appropriate water and sanitation facilities, in particular in rural areas.

(27) The Committee is concerned that approximately one third of all children at primary level do not complete school. The Committee is furthermore concerned about the high dropout rate from secondary education, in particular owing to child labour, expulsions following positive mandatory pregnancy test results and early marriage (art. 13).

The Committee recommends that the State party take steps to ensure free primary education and urgently address the high dropout rate from both primary and secondary education, including by abolishing mandatory pregnancy testing and prohibiting expulsions due to pregnancy.

(28) The Committee is concerned about the lack of access to education of children with disabilities, children of pastoralist communities and refugee children living in the Mtabila camp (art. 13).

The Committee recommends that the State party take steps to guarantee an inclusive education for all children with disabilities, in line with its 2012 Strategic Plan of Inclusive Education, and to ensure that all children of pastoralist communities and refugee children have access to primary education, including through the establishment of mobile and boarding schools.

(29) The Committee is concerned that restrictions to land and resources, threats to livelihoods and reduced access to decision-making processes by vulnerable communities, such as pastoralist and hunter-gatherer communities, pose a threat to the realization of their right to cultural life (art. 15).

The Committee recommends that the State party take legislative and other measures to protect, preserve and promote the cultural heritage and traditional ways of life of vulnerable communities, such as hunter-gatherer and pastoralist communities. It recommends that it ensure their meaningful participation in the debates related to nature conservation, commercial hunting, tourism and other uses of the land, based on free, prior and informed consent.

(30) **The Committee requests that the State party in its next report provide information on the work of the Commission for Human Rights and Good Governance, including the number of complaints received related to economic social and cultural rights and actions taken, disaggregated by sex, ethnic, religious or linguistic minority, urban or rural region and disability.**

(31) **The Committee recommends that the State party take the necessary steps to put in place an effective system of annual economic surveys covering the major areas of implementation of economic, social and cultural rights, as a necessary basis for meaningful Government policies and action to protect the enjoyment of such rights in the State party.**

(32) **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

(33) **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

(34) **The Committee requests the State party to submit its fourth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 November 2017.**

82. Congo

(1) In the absence of an initial report from the Congo, the Committee on Economic, Social and Cultural Rights examined the implementation by the Congo of the International Covenant on Economic, Social and Cultural Rights at its 47th (closed) meeting, held on 23 November 2012, and adopted the following concluding observations at its 58th meeting.

A. Introduction

(2) At its forty-seventh session, the Committee on Economic, Social and Cultural Rights had decided that it would examine the implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite numerous requests to do so, have not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

(3) The Committee regrets that, despite its exchange of views with the State party in 2000 and the organization in 2011 of a national training seminar for members of the State party's interministerial committee on the preparation and submission of reports to treaty bodies, the State party has still not submitted its initial report, which was due on 20 June 1990. While taking note of the replies provided by the State party to its list of issues (E/C.12/COG/Q/1/Add.1), the Committee is of the view that, in the absence of a complete initial report, the obligation set out in articles 16 and 17 of the Covenant has not been discharged.

(4) The Committee recalls that the aim of the reporting procedure established in the Covenant is to ensure that States parties inform the Committee on Economic, Social and Cultural Rights and, through it, the Economic and Social Council, about the measures adopted, progress made and problems encountered in their efforts to ensure the observance of the rights recognized therein.

(5) Given the paucity of information at the Committee's disposal and the brevity and belated submission of the State party's replies to the list of issues, the Committee feels that it must limit its comments to general observations regarding the observance of economic, social and cultural rights in the State party. In view of the State party's announcement that it will be submitting its initial report within a year, the Committee has focused its recommendations on the types of information to be included in that report. The Committee wishes to emphasize, however, that these observations are in no way exhaustive and are not intended to limit the scope of the initial report.

B. Positive aspects

(6) The Committee takes note of the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 27 October 2009 and of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 24 September 2010.

(7) The Committee takes note of the following measures taken by the State party:

(a) The adoption of Indigenous Peoples Promotion and Protection Act No. 5-2011 of 25 February 2011;

(b) The adoption of Republic of the Congo Child Protection Act No. 4-2010;

(c) The introduction of treatment free of charge for persons suffering from malaria or tuberculosis and persons living with HIV/AIDS;

(d) The adoption of Act No. 30-2011, which is designed to combat HIV/AIDS and protect people who are living with HIV;

(e) The introduction of free primary education in 2007;

(f) The adoption of the Nation's Natural Heritage Protection Act of 16 July 2010 and National Cultural Policy Act No. 5-2010 of 26 July 2010.

C. Principal subjects of concern and recommendations

(8) The Committee notes with concern that the National Human Rights Commission is not in full conformity with the Paris Principles.

The Committee requests that the State party include information in its initial report on the steps taken to bring the National Human Rights Commission into full conformity with the Paris Principles, particularly with respect to the selection and designation of members of the Commission, the representation of women and the resources allocated to it. The Committee also requests the State party to provide information on the actions undertaken by the Commission to promote economic, social and cultural rights. The Committee refers the State party to its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

(9) The Committee is concerned about the extent of corruption in the State party and by reports of the misappropriation of public funds that could otherwise have been used to promote economic, social and cultural rights.

The Committee requests the State party to include information in its initial report on the steps taken to improve public governance and combat corruption. This information should include details on cases of corruption that have been taken to court. The Committee also requests the State party to furnish statistics on public budget allocations to different sectors for expenditures related to economic, social and cultural rights during the last five years.

(10) The Committee views the Congolese justice system's lack of independence as a cause of concern. The Committee is also concerned about the problems affecting the justice system, including a shortage of judges, the costliness of legal proceedings and the inequality of the geographic distribution of courts of law, which deprive the population of access to effective remedies for violations of economic, social and cultural rights.

The Committee requests the State party to provide information on the tangible results of any and all efforts made to reform and strengthen the administration of justice in the State party.

(11) The Committee notes with concern that one of the root causes of violations of economic, social and cultural rights in the State party is the lack of public participation in the governance of the country and the limited involvement of non-governmental organizations in public policymaking.

The Committee requests the State party to include information in its initial report on the factors hindering genuine forms of participation on the part of the general public in the governance of the State party, as well as on the steps taken to engage in a more active dialogue with non-governmental organizations, particularly those that work to promote human rights.

(12) The Committee is concerned about the fact that the development of the country's oil resources has not had the effect that it would be expected to have in terms of the enjoyment of economic, social and cultural rights.

The Committee requests the State party to provide information on the steps taken to maximize the benefits derived from oil production in terms of the population's enjoyment of economic, social and cultural rights and specifically of the right to work, the right to health, the right to an adequate standard of living and the right to education. The initial report should also contain information on the mechanisms in place to ensure that the revenues from the development of natural resources in the State party are managed in a transparent manner.

(13) The Committee remains deeply concerned by the fact that indigenous peoples are being discriminated against and by the situation in which they find themselves despite the adoption of the Indigenous Peoples Promotion and Protection Act in 2011 (art. 2).

The Committee requests the State party to include information in its initial report on the actual extent to which indigenous peoples are able to enjoy their economic, social and cultural rights. This information should cover such matters as the percentage of the indigenous population that is employed, has social security coverage and has access to basic social services, education and health services. The report should elaborate upon the State party's replies to the list of issues by furnishing information on the enforcement of the Indigenous Peoples Promotion and Protection Act of 2011 and on the impact of the capacity-building activities of the members of the National Network of Indigenous Peoples of the Congo as they relate to the observance of the rights set forth in the Covenant. The report should also include an analysis of obstacles to the enjoyment of these rights, as well as information on the impact of the implementation of the 2009–2013 national plan for improving the quality of life of indigenous peoples and of the support programme for the empowerment of indigenous peoples.

(14) The Committee notes with concern that people with disabilities suffer from economic and social exclusion despite the adoption in 1992 of Act No. 009/02, which deals with the status, protection and promotion of the rights of persons with disabilities (art. 2).

The Committee requests the State party to include information in its initial report on the development and implementation of legislation and policies on education, employment, social protection and health services for persons with disabilities. The Committee requests the State party to elaborate upon its replies to the list of issues by including information in its initial report on the effective enjoyment by persons with disabilities of their economic, social and cultural rights. This information should include statistics, disaggregated by sex, on the percentage of persons with disabilities who are employed, the percentage of children with disabilities who are enrolled in school, etc.

(15) The Committee remains concerned about the sharp inequalities existing between men's and women's enjoyment of their economic, social and cultural rights despite the efforts made by the State party in a number of areas, such as the adoption of a law aimed at promoting and ensuring the representation of women in public office (art. 3).

The Committee requests the State party to provide full information on the legal and material situation of women and on the steps taken to combat discrimination against them. This information should include statistics on the status of women in a number of areas, including their representation in senior posts in the public and private sectors, the employment of women in the formal and informal sectors of the economy, their access to social services, their enjoyment of the right to health and their position within the family and within marriage, including all matters relating to violence against women.

(16) The Committee is concerned about the high rates of unemployment and underemployment existing in the State party, particularly among young people, most of whom work in the informal sector of the economy (art. 6).

The Committee requests the State party to include comparative data in its initial report on unemployment and underemployment, disaggregated by sex, urban/rural location and year. The Committee would also like to have information on how effective the activities of the General Training Directorate and of targeted employment programmes for young people and disadvantaged groups have been in

reducing unemployment and underemployment. The Committee would like to draw the State party's attention to its general comment No. 18 (2005) on the right to work.

(17) The Committee notes with concern that a large majority of the State party's population has no social security coverage (art. 9).

The Committee requests the State party to include information in its initial report on the steps it has taken to expand social security coverage to include disadvantaged and marginalized groups and individuals and persons who work in the informal sector of the economy and their families. The Committee would like to draw the State party's attention to its general comment No. 19 (2007) on the right to social security.

(18) The Committee is concerned by the fact that child labour is widespread in the State party. The Committee is also concerned by the cross-border trafficking of children (art. 10).

The Committee requests the State party to include information in its initial report on the steps taken to combat child labour and the trafficking of children and on the legal proceedings pursued and convictions handed down in that connection. The Committee also requests the State party to provide information on the implementation of the measures for the protection of children referred to in paragraph 23 of its replies to the list of issues.

(19) The Committee observes with concern that the rapid pace of economic growth seen in the State party has not led to a clear reduction in poverty or in social disparities and inequalities or to a corresponding improvement in living standards (art. 11).

The Committee requests the State party to include information in its initial report on the steps taken to combat poverty, particularly in rural areas and in disadvantaged and marginalized groups and regions. The Committee would like to draw the State party's attention to its statement concerning poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10). The Committee also requests the State party to provide comparative data on poverty rates, disaggregated by sex, region and urban/rural location, in its initial report.

In addition, the Committee requests the State party to include information in its initial report on the observance of the right to housing, on evictions, on social housing programmes and on the situation of homeless persons. The Committee refers the State party to its general comment No. 4 (1991) on the right to adequate housing and its general comment No. 7 (1997) on forced evictions (art. 11).

(20) The Committee is concerned by the high mortality rates existing in the State party, particularly the infant, child and maternal mortality rates (art. 12).

The Committee requests the State party to include information in its initial report on the steps taken to achieve universal public health-care coverage and to improve public health services. The Committee also requests the State party to furnish recent statistics, disaggregated by sex, urban/rural location and year, on the various indicators, such as morbidity and mortality rates, used to measure the enjoyment of the right to health.

(21) The Committee is disturbed by the high HIV seroprevalence rate in the State party (art. 12).

The Committee requests the State party to include information in its initial report on the measures that it has adopted in order to increase the availability and quality of AIDS treatment and prevention services, as well as to provide greater access to those services, together with statistics, disaggregated by sex and by urban/rural location, on the impact of those measures. The Committee would also like to receive information on the State party's legislation concerning the rights of people living with HIV/AIDS.

In addition, the Committee asks the State party to furnish information on: (a) the availability and accessibility of sexual and reproductive health services; (b) sex education programmes in the country's schools; and (c) legislation dealing with abortion and statistics on the abortion rate, disaggregated by age group.

(22) The Committee notes with concern that, even though the education system has undergone a major quantitative expansion, the quality of education remains unsatisfactory (art. 13).

The Committee requests the State party to include information in its initial report on the steps taken to upgrade the education provided at all levels. It also requests that the State party include statistics, disaggregated by sex, urban/rural location, level of education and year, for the various indicators of educational quality, such as the retention rate and student/teacher ratio. The Committee draws the State party's attention to its general comment No. 13 (1999) on the right to education.

(23) The Committee is concerned about the limited degree to which cultural rights are enjoyed, in practice, in the State party (art. 15).

The Committee requests the State party to include detailed information in its initial report on the nature and scope of the specific measures that it has adopted to fulfil its obligations under article 15 of the Covenant, taking into account the country's cultural diversity. This information should cover, inter alia, access to cultural life for all, the protection of the traditional knowledge of indigenous peoples, and the enjoyment of cultural rights by the members of rural communities, ethnic groups, and underprivileged and marginalized groups.

(24) **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which it signed on 25 September 2009.**

(25) **The Committee requests the State party to disseminate these concluding observations widely among all sectors of society, particularly public officials and civil society organizations.**

(26) **The Committee invites the State party to submit an up-to-date core document in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3).**

(27) **The Committee requests the State party to submit its initial report in accordance with the guidelines adopted by the Committee in 2008 (E/C.12/2008/2) as soon as possible and in any case no later than 30 November 2013. The Committee strongly recommends that the State party consult with civil society organizations during the preparation of its initial report.**

83. Equatorial Guinea

(1) In the absence of an initial report from the State party, the Committee on Economic, Social and Cultural Rights examined the State party's implementation of the International Covenant on Economic, Social and Cultural Rights at its 45th and 46th meetings (E/C.12/2012/SR.45 and 46), held on 22 November 2012. At its 58th meeting, held on 30 November 2012, the Committee adopted the following concluding observations.

A. Introduction

(2) These observations, together with the concerns voiced by the Committee members during their exchange of views with the representatives of the State party on 22 November 2012, may be of assistance to the State party in the preparation of its initial report. The Committee would like to point out, however, that these observations are not exhaustive,

that the issues raised during its dialogue with the representatives of the State party are not the only matters of concern, and that the content of the initial report should therefore not be limited to them. Rather, the Committee invites the State party to prepare a comprehensive initial report, based on the guidelines on treaty-specific documents approved in 2008 (E/C.12/2008/2), which covers the steps taken to uphold all the rights set forth in the Covenant.

(3) At its forty-seventh session, the Committee on Economic, Social and Cultural Rights decided that it would examine the implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties that, despite numerous requests, had not met their obligation to submit reports under articles 16 and 17 of the Covenant.

(4) The aim of the reporting procedure established in the Covenant is to ensure that States parties inform the Committee on Economic, Social and Cultural Rights and, through it, the Economic and Social Council about the measures taken, progress made and problems encountered in their efforts to ensure the observance of the rights recognized in the Covenant. A State party's failure to submit a report is not only a violation of the Covenant but also a serious obstacle to the Committee's work.

(5) Consequently, when a Government has not supplied any information on the fulfilment of its obligations under the Covenant, the Committee will have to base its observations on information from intergovernmental and non-governmental sources. While intergovernmental sources primarily supply statistical data and major economic indicators, the information provided by the academic literature, non-governmental organizations and the press tends, by definition, to be more critical of the political, economic and social situation in a given country. Under normal circumstances, the constructive dialogue between a State party that is presenting its report and the Committee gives that country's Government the opportunity to set out its views and to attempt to refute criticism and demonstrate to the Committee that its policies are in line with the Covenant.

(6) Equatorial Guinea acceded to the International Covenant on Economic, Social and Cultural Rights on 25 September 1987 and has still not submitted its initial report. On 13 December 2011, the Committee informed the State party that it would be considering the situation of economic, social and cultural rights in Equatorial Guinea at its session in November 2012. In May 2012, the pre-sessional working group adopted a list of issues prepared in the absence of an initial report (E/C.12/GNQ/Q/1) to help the State party prepare its report for the Committee or provide the Committee with relevant information in another form.

(7) The Committee takes note of the State party's replies to the list of issues prepared by the Committee (E/C.12/GNQ/Q/1/Add.1). However, the Committee regrets that the replies were not exhaustive, that they did not provide sufficient up-to-date statistics on the enjoyment in the State party of the rights recognized in the Covenant and that the replies were submitted just a few days before the Committee's exchange of views with the State party. The Committee also takes note of the presence of a delegation from the State party at two meetings of the Committee on 22 November 2012 and of its members' exchange of views with the Committee.

(8) The Committee has based these concluding observations on the State party's replies to the list of issues, on the information provided in the course of the delegation's exchange of views with the Committee on 22 November 2012 and on the material provided by intergovernmental and non-governmental sources. Given the regrettable absence of a comprehensive initial report, however, these observations are necessarily of a preliminary nature.

B. Positive aspects

(9) The Committee takes note of the fact that Equatorial Guinea is a party to numerous human rights treaties, including the International Covenant on Civil and Political Rights and its first Optional Protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and many of the fundamental conventions on labour rights of the International Labour Organization (ILO).

(10) The Committee also takes note of the following:

(a) The adoption of the Education Act;

(b) The adoption of the National Plan on Education for All and the Educational Development Programme for Equatorial Guinea;

(c) The adoption of a national programme to educate women and teenage girls who are illiterate or who have dropped out of school; and

(d) The adoption of various measures to stop the spread of HIV/AIDS, notably a law on the prevention of sexually transmitted infections and HIV/AIDS and the protection of the human rights of the people concerned.

C. Principal subjects of concern and recommendations

(11) The Committee regrets the lack of comprehensive, up-to-date, disaggregated data on the enjoyment of the economic, social and cultural rights enshrined in the Covenant and notes that this has a detrimental effect on the State party's ability to design and implement public policies regarding those rights.

The Committee urges the State party to strengthen its data-collection system and to compile, as soon as possible, up-to-date annual comparative statistics and statistical analyses concerning the enjoyment of the rights recognized in the Covenant. This information should meet international standards of accuracy and be disaggregated by age, sex, urban/rural population and other relevant characteristics. Special attention should be devoted to the situation of the most disadvantaged and marginalized persons or groups, such as persons with disabilities and persons with HIV/AIDS.

The Committee requests the State party to include in its initial report the data that it collects and the annual comparative statistical analyses that it conducts regarding the rights enshrined in the Covenant, as well as an indication of the impact of the measures that it has taken to guarantee the full enjoyment of these rights and the results obtained.

(12) The Committee regrets that the information supplied to it has not made clear what the precise legal status of the Covenant is in the domestic legal system or whether the domestic courts have invoked it in their decisions.

The Committee requests the State party to ensure that its initial report clarifies the legal status of the Covenant in the domestic legal system and includes information on domestic case law concerning the implementation of the Covenant. In this regard, the Committee draws the State party's attention to its general comment No. 9 (1998), on the domestic application of the Covenant.

(13) **The Committee recommends that the State party allocate the maximum amount of its available resources for social services and assistance with a view to achieving progressively the full realization of the economic, social and cultural rights**

recognized in the Covenant, in accordance with article 2, paragraph 1, of the Covenant. In this connection, the Committee encourages the State party to honour its commitment to raise the percentage of its budget devoted to the social sector in the coming fiscal year.

In addition, the Committee recommends that the State party redouble its efforts to combat corruption and to ensure the transparency of Government action with a view to preventing the diversion of public resources and bringing those responsible to justice. It also recommends that the State party take the necessary steps to make public officials at both the national and local levels aware of the economic and social costs of corruption and to make judges, prosecutors and members of the security forces aware of the importance of strictly enforcing anti-corruption laws.

The Committee requests the State party to provide annual figures in its initial report on the percentage of the national budget devoted to the social sector. The Committee also requests the State party to provide information on the content and scope of the Equatorial Guinea Horizon 2020 Plan and the Social Development Fund and on the progress made and results achieved thanks to their implementation.

The Committee draws the State party's attention to its statement on an evaluation of the obligation to take steps to the maximum of available resources (E/C.12/2007/1).

(14) The Committee is concerned by reports that indicate that human rights activists are subjected to intimidation and harassment.

The Committee urges the State party to adopt all measures necessary to protect human rights defenders and activists — particularly those working in the area of economic, social and cultural rights — from any and all acts of intimidation and harassment and to ensure that perpetrators of such acts are brought to justice.

(15) The Committee notes that equality between men and women is recognized in the Constitution of Equatorial Guinea. However, the Committee is concerned by reports of the persistence of deeply-rooted gender stereotypes and traditional practices and customs that are detrimental to the equal enjoyment by men and women of the rights enshrined in the Covenant and by reports that the efforts made by the State party to counter them are limited. The Committee also notes with concern the problems raised by the coexistence of civil and customary legal systems in terms of the promotion and protection of equal rights for men and women in the areas of marriage, family relations and inheritance (art. 2, para. 2, and arts. 3 and 10).

The Committee urges the State party to take the necessary legislative or other measures to combat and eliminate stereotypes, customs and practices that are harmful to women and to eliminate discrimination against women in matters relating to marriage, family relations and inheritance, in accordance with the provisions of the Covenant, and to strengthen and ensure the effective implementation of existing measures of this nature, including awareness-raising activities. It also recommends that the State party ensure that women fully enjoy all the economic, social and cultural rights enshrined in the Covenant.

The Committee requests the State party to include up-to-date information in its initial report on the measures taken to eliminate direct and indirect gender-based discrimination in relation to the rights enshrined in the Covenant and to guarantee that men and women enjoy these rights on an equal footing. It also requests the State party to provide information on the results of those measures.

(16) The Committee is concerned by reports of high levels of poverty in the country, especially in rural areas and among women, despite the fact that the State party has a high national income (art. 11).

The Committee recommends that the State party step up its efforts to combat poverty, especially in rural areas and disadvantaged and marginalized regions; allocate sufficient funding for this purpose; and ensure that all economic, social and cultural rights are fully addressed in all anti-poverty measures that it adopts. The Committee also recommends that the State party devote particular attention to the economic, social and cultural rights of the most disadvantaged and marginalized persons and groups, such as persons with disabilities, women in rural areas and persons living with HIV/AIDS.

The Committee requests the State party to include comparative data in its initial report, disaggregated by year, sex and rural/urban area, on the numbers of people living in poverty and extreme poverty and on the progress made in combating poverty. The Committee refers the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

(17) **The Committee encourages the State party, when adopting legislative reforms or other measures, to at all times bear in mind its obligations under the Covenant and to continuously evaluate the effects of such reforms and other measures on the enjoyment of economic, social and cultural rights.**

(18) **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

(19) **The Committee also encourages the State party to consider acceding to the second Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and the International Convention for the Protection of All Persons from Enforced Disappearance.**

(20) **The Committee requests the State party to disseminate these concluding observations widely among all sectors of society, particularly public officials, the judiciary and civil society organizations.**

(21) **The Committee requests the State party to submit a comprehensive initial report on its implementation of the Covenant, with special emphasis on the issues raised and concerns expressed in these observations and during the discussion with Committee members, in accordance with the guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the Covenant (E/C.12/2008/2) within two years from the date of issuance of these concluding observations. In this connection, the Committee wishes to highlight the commitment made by the representatives of Equatorial Guinea who met with the Committee to submit a comprehensive initial report within the allotted time period that takes account of the Committee's comments and suggestions. In addition, the Committee urges the State party to ensure that civil society organizations are involved in the national debate held prior to its submission of its initial report.**

Chapter V

Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights

A. Statement in the context of the Rio+20 Conference on "the green economy in the context of sustainable development and poverty eradication"

84. At its 28th meeting, held on 18 May 2012 (forty-eighth session) the Committee discussed and adopted a statement on "the green economy in the context of sustainable development and poverty eradication". The title of the statement corresponds to the title of section III of "The future we want", the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in 2012 (Rio+20 Conference). In the statement, the Committee highlights the links between the International Covenant on Economic, Social and Cultural Rights, the Committee's work and environment and sustainable development. The Committee encourages all actors involved to integrate a human rights approach, specifically sustainable development and economic, social and cultural rights, into the ongoing work on the draft outcome document. The full text of the statement is contained in section A of annex VI to the present report.

B. Open letter to States parties on economic, social and cultural rights and the economic and financial crisis

85. At its 26th meeting, held on 16 May 2012 (forty-eighth session) the Committee endorsed the text of an open letter, which was addressed to all States parties of the International Covenant on Economic, Social and Cultural Rights by the Chair on behalf of the Committee. In the letter, the Chair highlights that there are certain requirements that States parties must meet to uphold their obligations under the Covenant, including in times of economic and financial crisis; notably, that the austerity measures that they take must ensure the protection of a minimum core content of Covenant rights all times. The full text of the open letter is contained in section B of annex VI to the present report.

C. Open letter to States parties on the post-2015 development agenda

86. At its 58th meeting, held on 30 November 2012 (forty-ninth session) the Committee endorsed the text of another open letter, which was addressed to all States parties of the International Covenant on Economic, Social and Cultural Rights by the Chair on behalf of the Committee. The letter underlines the importance of the link between the post-2015 development agenda and human rights, including economic, social and cultural rights. The Committee highlights that by linking development goals to legal obligations of States under the Covenant, the responsibilities of development actors can also be better defined, and recalls that human rights principles and treaty standards, including freedom from discrimination, equality between men and women, participation and inclusion, transparency and accountability, must be borne in mind in this process. The full text of the open letter is contained in section C of annex VI to the present report.

D. Cooperation with specialized agencies: informal meeting with the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization

87. During the forty-ninth session, on 23 November 2012, the Committee held an informal meeting with the ILO Committee of Experts on the Application of Conventions and Recommendations. This tenth meeting between the two monitoring bodies was aimed at further enhancing cooperation and exchanging views on issues of mutual interest. The meeting, which has become a traditional gathering of the two Committees, was again hosted by the Friedrich Ebert Foundation. On this occasion, the focus of the discussions was on the topic of "supervision of labour rights in the informal economy". The speakers sought to highlight in particular some of the key challenges; the means available to the respective Committees; and modalities of best addressing the challenges in this area. Appreciation was expressed by both Committees for the opportunity to learn more about each other's work and to continue to exchange views.

E. Cooperation with special procedure mandate holders

88. During its forty-ninth session, the Committee met with the Special Rapporteur on extreme poverty and human rights, Ms. Magdalena Sepúlveda Carmona, who presented the Guiding Principles on Extreme Poverty and Human Rights (contained in A/HRC/21/39) to interested members. The Special Rapporteur outlined the process, initiated in 2001, leading to the adoption of the Guiding Principles by the Human Rights Council in September 2012 and indicated that the Committee may find them useful in its work. The Special Rapporteur and Committee members also discussed other aspects of their work and issues of common concern.

89. Also during its forty-ninth session, the Committee met with the Special Rapporteur in the field of cultural rights, Ms. Farida Shaheed. The Special Rapporteur presented her work to the Committee, following which an exchange of views took place on numerous issues of common interest. The Committee suggested it would be useful to have a more regular dialogue on issues relating to cultural rights.

Chapter VI
Additional decisions adopted and matters discussed by the Committee at its forty-eighth and forty-ninth sessions

A. Participation in intersessional meetings

90. Mr. Ariranga Govindasamy Pillay represented the Committee at the twenty-fourth meeting of chairpersons (25–29 June 2012).

B. Provisional rules of procedure for the Optional Protocol to the Covenant

91. The Committee completed the second reading of the draft rules of procedure for the Optional Protocol to the Covenant during its forty-eighth session, and adopted the rules of procedure at its forty-ninth session in November 2012. The provisional rules of procedure, contained in annex VII to the present report, are hereby being transmitted to the Economic and Social Council.

C. Future general comments and statements

92. The process of drafting the general comment on the right to sexual and reproductive health was briefly discussed during the forty-eighth session. The Rapporteur, Ms. Barahona Riera, submitted a draft general comment which was distributed to the Committee members in advance of the forty-eighth session in May 2012. In this respect, Ms. Barahona Riera indicated that, after many years of consultation and dedication with a view to elaborating a general comment on the right to sexual and reproductive health, she regretted having to resign as Rapporteur for the reasons provided in the statement made during the private meeting at which the issue was considered. The members of the Committee expressed appreciation for her contribution, and the Committee decided to consider modalities of proceeding at its future session.

93. The status of the draft general comment on article 7 relating to the enjoyment of just and favourable conditions of work was discussed at the forty-eighth session and the Rapporteur, Mr. Texier, had indicated that he hoped to provide a draft for the forty-ninth session. However, the Rapporteur was not able to produce a draft within the time frame provided, and expressed hope that the Committee would pursue its plans, as his term was coming to an end.

D. Working methods of the Committee

94. The Committee continued discussions related to its working methods during the session.

95. Regarding timing allocated for briefings to the Committee, the Committee agreed to allow time for interaction with civil-society, United Nations and other partners on the first two Mondays of the session, instead of only on the first Monday. This is related to the higher number of reports being considered per session and in accordance with good practices observed among other treaty-monitoring bodies. The Committee is of the view that this will contribute to increasing the impact of the reporting process at the national level through the increased engagement of national-level stakeholders.

96. The Committee had a preliminary discussion on the draft guidelines on the independence and impartiality of members of the human rights treaty bodies at its forty-eighth session. The draft guidelines were prepared following a request by the twenty-third meeting of chairpersons of the human rights treaty bodies in 2011. The Chair sought views of members prior to the discussion of the draft among the chairs at the twenty-fourth meeting of chairpersons (held in Addis Ababa in 2012). Following their endorsement by the chairs, the proposed guidelines ("Addis guidelines") were presented to the Committee for further consideration during its forty-ninth session. In this context, the Committee adopted a decision on the proposed guidelines on the independence and impartiality of members of the human rights treaty bodies, which is reproduced in annex VIII to the present report.

97. The Committee furthermore discussed the report of the High Commissioner on treaty body strengthening (A/66/860) and specifically the recommendations emanating from it addressed to treaty bodies. In this context, the Committee adopted a preliminary decision, expressing appreciation for the report in general, and invited members to formulate comments and submit them to a rapporteur (Mr. Aslan Abashidze, Vice-Chair) designated for this purpose by 1 March 2013. The rapporteur would in turn report back to the fiftieth session in May 2013. The preliminary decision is contained in annex IX to the present report.

Chapter VII
Other activities of the Committee in 2012

A. Informal discussions on environmental law and the Covenant

98. The Committee members were invited to an informal discussion on environmental law and the International Covenant on Economic, Social and Cultural Rights, held on 11 May 2012 and organized by the Friedrich Ebert Foundation. Participants also included representatives of Earthjustice Geneva, the Center for International Environmental Law (CIEL) and the secretariat. Following initial presentations made by Mr. Yves Lador (Earthjustice Geneva), Mr. Marcos Orellana (CIEL) and Committee members Mr. Schrijver (Vice-Chair) and Mr. Riedel, lively discussions followed. The discussions included a focus on the upcoming Rio+20 Conference and challenges posed by the draft outcome document.

B. Symposium on the impact of the Covenant and the work of the Committee on national and regional court and policy decisions

99. The Committee members were invited to an expert gathering, entitled "Symposium on the impact of the International Covenant on Economic, Social and Cultural Rights and the work of CESCR on national and regional court and policy decisions", held on 24 November 2012 and organized by the Friedrich Ebert Foundation, the International Commission of Jurists and the Foodfirst Information and Action Network. The expert gathering illustrated the impact that the work of the Committee had on national jurisprudence, in particular through its general comments and concluding observations.

Chapter VIII
Adoption of the report

100. At its 58th meeting, held on 30 November 2012, the Committee considered its draft report to the Economic and Social Council on the work of its forty-eighth and forty-ninth sessions. The Committee adopted the report as amended during the discussions.

Annexes

Annex I

Members of the Committee on Economic, Social and Cultural Rights

Name of member	*Country of nationality*	*Term expires on 31 December*
Mr. Aslan **Abashidze**	Russian Federation	2014
Mr. Mohamed Ezzeldin **Abdel-Moneim**	Egypt	2012
Mr. Clement **Atangana**	Cameroon	2014
Ms. Rocío **Barahona Riera**	Costa Rica	2012
Ms. Jun **Cong**	China	2012
Mr. Chandrashekhar **Dasgupta**	India	2014
Mr. Zdzislaw **Kedzia**	Poland	2012
Mr. Azzouz **Kerdoun**	Algeria	2014
Mr. Jaime Marchán **Romero**	Ecuador	2014
Mr. Sergei **Martynov**	Belarus	2012
Mr. Ariranga Govindasamy **Pillay**	Mauritius	2012
Mr. Renato Zerbini **Ribeiro Leão**	Brazil	2014
Mr. Eibe **Riedel**	Germany	2014
Mr. Waleed **Sadi**	Jordan	2012
Mr. Nicolaas **Schrijver**	Netherlands	2012
Ms. Heisoo **Shin**	Republic of Korea	2014
Mr. Philippe **Texier**	France	2012
Mr. Alvaro Tirado **Mejia**	Colombia	2014

Annex II

Agendas of the Committee

A. Agenda of the forty-eighth session of the Committee on Economic, Social and Cultural Rights (30 April–18 May 2012)

1. Adoption of the agenda.
2. Organization of work.
3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
5. Relations with United Nations organs and other treaty bodies.
6. Consideration of reports:
    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.
7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.
8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.
9. Miscellaneous matters.

B. Agenda of the forty-ninth session of the Committee on Economic, Social and Cultural Rights (12–30 November 2012)

1. Adoption of the agenda.
2. Organization of work.
3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
5. Relations with United Nations organs and other treaty bodies.
6. Consideration of reports:
    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Miscellaneous matters.

Annex III

List of general comments adopted by the Committee on Economic, Social and Cultural Rights

The general comments adopted to date by the Committee appear in the following relevant annual reports of the Committee:*

No. 1 (1989)	on reporting by States parties (third session; E/1989/22-E/C.12/1989/5, annex III)
No. 2 (1990)	on international technical assistance measures (article 22 of the Covenant) (fourth session; E/1990/23-E/C.12/1990/3 and Corr.1, annex III)
No. 3 (1990)	on the nature of States parties' obligations (article 2, paragraph 1, of the Covenant) (fifth session; E/1991/23-E/C.12/1990/8 and Corr.1, annex III)
No. 4 (1991)	on the right to adequate housing (article 11, paragraph 1, of the Covenant) (sixth session; E/1992/23-E/C.12/1991/4, annex III)
No. 5 (1994)	on persons with disabilities (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex IV)
No. 6 (1995)	on the economic, social and cultural rights of older persons (thirteenth session; E/1996/22-E/C.12/1995/18, annex IV)
No. 7 (1997)	on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions (sixteenth session; E/1998/22-E/C.12/1997/10, annex IV)
No. 8 (1997)	on the relationship between economic sanctions and respect for economic, social and cultural rights (seventeenth session; E/1998/22-E/C.12/1997/10, annex V)
No. 9 (1998)	on domestic application of the Covenant (eighteenth session; E/1999/22-E/C.12/1998/26, annex IV)
No. 10 (1998)	on the role of national human rights institutions in the protection of economic, social and cultural rights (nineteenth session; E/1999/22-E/C.12/1998/26, annex V)
No. 11 (1999)	on plans of action for primary education (article 14 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex IV)
No. 12 (1999)	on the right to adequate food (article 11 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex V)

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* Published as *Official Records of the Economic and Social Council*.

No. 13 (1999)	on the right to education (article 13 of the Covenant) (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VI)
No. 14 (2000)	on the right to the highest attainable standard of health (article 12 of the Covenant) (twenty-second session; E/2001/22-E/C.12/2000/21, annex IV)
No. 15 (2002)	on the right to water (articles 11 and 12 of the Covenant) (twenty-ninth session; E/2003/22-E/C.12/2002/13, annex IV)
No. 16 (2005)	on the equal right of men and women to the enjoyment of all economic, social and cultural rights (article 3 of the Covenant) (thirty-fourth session; E/2006/22-E/C.12/2005/5, annex VIII)
No. 17 (2005)	on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (article 15, paragraph 1 (c), of the Covenant) (thirty-fifth session; E/2006/22-E/C.12/2005/5, annex IX)
No. 18 (2005)	on the right to work (article 6 of the Covenant) (thirty-fifth session; E/2006/22-E/C.12/2005/5, annex X)
No. 19 (2007)	on the right to social security (article 9 of the Covenant) (thirty-ninth session; E/2008/22-E/C.12/2007/3, annex VII)
No. 20 (2009)	on non-discrimination in economic, social and cultural rights (article 2, paragraph 2, of the Covenant) (forty-second session; E/2010/22-E/C.12/2009/3, annex VI)
No. 21 (2009)	on the right of everyone to take part in cultural life (article 15, paragraph 1 (a), of the Covenant) (forty-third session; E/2010/22-E/C.12/2009/3, annex VII)

Annex IV

List of statements adopted and open letters endorsed by the Committee on Economic, Social and Cultural Rights

The statements, open letters and recommendations, adopted by the Committee to date, appear in its relevant annual reports:*

1. Preparatory activities relating to the World Conference on Human Rights: recommendations to the Preparatory Committee for the World Conference (sixth session; E/1992/23-E/C.12/1991/4, chap. IX)
2. Statement to the World Conference on Human Rights on behalf of the Committee (seventh session; E/1993/22-E/C.12/1992/2, annex III)
3. The World Summit for Social Development and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee (tenth session; E/1995/22-E/C.12/1994/20 and Corr.1, annex V)
4. Economic, social and cultural rights in the context of the World Summit for Social Development: Statement of the Committee (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex VI)
5. Fourth World Conference on Women: Action for Equality, Development and Peace: Statement by the Committee (twelfth session; E/1996/22-E/C.12/1995/18, annex VI)
6. United Nations Conference on Human Settlements (Habitat II): Statement of the Committee (thirteenth session; E/1996/22-E/C.12/1995/18, annex VIII)
7. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session; E/1999/22-E/C.12/1998/26; chap. VI, sect. A, para. 515)
8. Statement of the Committee to the Third Ministerial Conference of the World Trade Organization (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VII)
9. Statement of the Committee to the Convention to draft a Charter of Fundamental Rights of the European Union (twenty-second session; E/2001/22-E/C.12/2000/21, annex VIII)
10. Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee to the Third United Nations Conference on the Least Developed Countries (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex VII)

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* Published as *Official Records of the Economic and Social Council.*

11. Statement of the Committee to the special session of the General Assembly for an overall review and appraisal of the implementation of the decisions taken at the United Nations Conference on Human Settlements (Habitat II) (New York, 6–8 June 2001) (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex XI)

12. Statement of the Committee to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XII)

13. Statement of the Committee on human rights and intellectual property (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XIII)

14. Statement of the Committee to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit for Sustainable Development (Bali, Indonesia, 27 May–7 June 2002) (twenty-eighth session; E/2003/22-E/C.12/2002/13, annex VI)

15. The Millennium Development Goals and economic, social and cultural rights: joint statement by the Committee and the Special Rapporteurs on economic, social and cultural rights of the Commission on Human Rights (twenty-ninth session; E/2003/22-E/C.12/2002/13, annex VII)

16. Statement by the Committee on an evaluation of the obligation to take steps to the "maximum of available resources" under an optional protocol to the Covenant (thirty-eighth session; E/2008/22-E/C.12/2007/3, annex VIII)

17. Statement of the Committee on the world food crisis (fortieth session; E/2009/22-E/C.12/2008/3, annex VI)

18. Statement of the Committee on the right to sanitation (forty-fifth session; E/2011/22-E/C.12/2010/3, annex VI)

19. Statement of the Committee on the obligations of States parties regarding the corporate sector and economic, social and cultural rights (forty-sixth session; E/2012/22-E/C.12/2011/3, annex VI, sect. A)

20. Statement of the Committee on the importance and relevance of the right to development, adopted on the occasion of the twenty-fifth anniversary of the Declaration on the Right to Development (forty-sixth session; E/2012/22-E/C.12/2011/3, annex VI; sect. B)

21. Statement in the context of the Rio+20 Conference (June 2012) on "the green economy in the context of sustainable development and poverty eradication" (forty-eighth session; E/2013/22-E/C.12/2012/3, annex VI, sect. A)

22. Open letter to States parties on economic, social and cultural rights and the economic and financial crisis (forty-eighth session; E/2013/22-E/C.12/2012/3, annex VI, sect. B)

23. Open letter to States parties on the post-2015 development agenda (forty-ninth session; E/2013/22-E/C.12/2012/3, annex VI, sect. C)

Annex V

Days of general discussion held by the Committee on Economic, Social and Cultural Rights

The following issues have been the focus of discussion:

1. The right to food (third session, 1989)
2. The right to housing (fourth session, 1990)
3. Economic and social indicators (sixth session, 1991)
4. The right to take part in cultural life (seventh session, 1992)
5. The rights of the ageing and elderly (eighth session, 1993)
6. The right to health (ninth session, 1993)
7. The role of social safety nets (tenth session, 1994)
8. Human rights education and public information activities (eleventh session, 1994)
9. The interpretation and practical application of the obligations incumbent on States parties (twelfth session, 1995)
10. A draft optional protocol to the Covenant (thirteenth session, 1995, and fourteenth and fifteenth sessions, 1996)
11. Revision of the general guidelines for reporting (sixteenth session, 1997)
12. The normative content of the right to food (seventeenth session, 1997)
13. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session, 1998)
14. The right to education (nineteenth session, 1998)
15. The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (twenty-fourth session, 2000)
16. International consultation on economic, social and cultural rights in development activities of international institutions, organized in cooperation with the High Council for International Cooperation (France) (twenty-fifth session, 2001)
17. Equal right of men and women to the enjoyment of all economic, social and cultural rights (article 3 of the Covenant) (twenty-eighth session, 2002)
18. The right to work (article 6 of the Covenant) (thirty-first session, 2003)
19. The right to social security (article 9 of the Covenant) (thirty-sixth session, 2006)

20. The right to take part in cultural life (article 15, paragraph 1 (a), of the Covenant) (fortieth session, 2008)

21. Non-discrimination and economic, social and cultural rights (article 2, paragraph 2, of the Covenant) (forty-first session, 2008)

22. The right to sexual and reproductive health (articles 10 and 12 of the Covenant) (forty-fifth session, 2010)

Annex VI

Statements and open letters issued by the Committee during the reporting period

A. Statement in the context of the Rio+20 Conference on "the green economy in the context of sustainable development and poverty eradication"*

1. In 2002, on the eve of the meeting of the Preparatory Committee for the World Summit on Sustainable Development (Bali 2002), the Committee on Economic, Social and Cultural Rights issued a statement on sustainable development (E/2003/22-E/C.12/2002/13, annex VI), emphasizing the need to uphold the principles bearing on human rights contained in the Rio Declaration on Environment and Development, in the Habitat Agenda and in other specific instruments on international cooperation.

2. Ten years on, and 20 years after the United Nations Conference on Environment and Development 1992 (Rio Conference), a stocktaking of achievements and setbacks and an outlook to the future will be undertaken at the United Nations Conference on Sustainable Development (Rio+20 Conference), in June 2012.

3. The zero draft of the final declaration, entitled "The Future We Want" (hereinafter the zero draft), is currently under discussion. In this regard, while recognizing the concept of a green economy as highlighted in the zero draft, the Committee emphasizes the need to integrate the green economy into the broader concept of sustainable development, which encompasses social development, together with economic growth and environmental protection, and thus has close linkages with economic, social and cultural rights. The Committee stresses the importance of upholding the balanced Rio Declaration approach.

4. The zero-draft goals undoubtedly are important factors of any sound economy and provide guidance for policy choices. However, the zero draft does not take full account of the human rights dimensions of these goals, as enshrined in the provisions of, inter alia, the International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966), the Universal Declaration of Human Rights (1948) and the Declaration on the Right to Development (1986), as well as the Vienna Declaration and Programme of Action (1993), the United Nations Millennium Declaration (2000), the 2005 World Summit outcome document, General Assembly resolution 65/1 of 22 September 2010 entitled "Keeping the promise: united to achieve the Millennium Development Goals", and the outcome of the Fourth United Nations Conference on Least Developed Countries (2011).

5. Many provisions of the International Covenant on Economic, Social and Cultural Rights (the Covenant) link with environment and sustainable development, and the Committee in its dialogue with States parties has regularly stressed the interlinkages of specific economic, social and cultural rights, as well as the right to development, with the sustainability of environmental protection and development efforts.

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* Adopted by the Committee on Economic, Social and Cultural Rights during its forty-eighth session.

6. While highlighting the relevance of certain specific provisions of the Covenant to sustainable development in the dialogue with States parties to the Covenant, the Committee emphasizes, inter alia:

(a) The importance of international cooperation for the promotion of economic, social and cultural rights and sustainable development (art. 2, para. 1). In this regard, the Committee stresses the importance of raising official development assistance (ODA) contributions to 0.7 per cent of gross national income and ensuring that ODA promotes sustainable development by adopting a human rights-based approach to development;

(b) The role of women in environmental conservation and proper use and management of natural resources, as well as the disproportionately negative impact and burden on women when natural resources are depleted and the environment is damaged (arts. 3 and 11, among other provisions of the Covenant);

(c) The obligation to ensure a healthy working environment (art. 7 (b));

(d) The obligation of a State party to avoid adverse environmental effects on the right to food of its population (art. 11, para. 2(a)) and, in particular, the need to fully assess the impacts of newly developed green technologies in the area of energy and in relation to access to food and water. The Committee also emphasizes the adverse implications for the right to food of cases of land grabbing and overexploitation of fisheries, which not only have detrimental effects on environmental sustainability but also gravely affect the livelihood of present and future generations;

(e) The need to conserve the natural habitat and sustainable uses of natural resources as elements of the enjoyment of the right to health (art. 12) and, in particular, access to safe and potable water and the prevention of water degradation and pollution that affect the right to health. Furthermore, the sanitation situation and the collection and disposal of hazardous waste not only have implications for the environment but can also potentially cause epidemics and waterborne diseases and thus negatively affect the right to health;

(f) The linkages between biodiversity conservation and (i) potential advances in pharmacology and medicine which are crucial to promote the right to health (art. 12), and (ii) the cultural rights of indigenous peoples and local communities, including the protection of their traditional knowledge rights (art. 15);

(g) The importance of carefully balancing the requirements of the green economy with obligations under the Covenant to respect, protect and fulfil the rights of forest dwellers and indigenous peoples to their ancestral lands and traditional culture and, in particular, deforestation measures taken without the prior informed consent of forest dwellers and indigenous peoples that directly affect their rights. The protection of their rights is deeply linked to the protection of the environment and their natural habitat, without which such communities are threatened with disappearance;

(h) The importance of States parties to the Covenant ensuring that development efforts meet the rights of the beneficiaries of development. In this context, in 2011, on the occasion of the twenty-fifth anniversary of the Declaration on the Right to Development, the Committee adopted a statement on the importance and relevance of the right to development (E/C.12/2011/2);

(i) The importance that States parties to the Covenant live up to their responsibility to ensure that the corporate sector observe the Rio principles as they bear on all the rights under the Covenant, as stressed by the Committee in its 2011 statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights (E/C.12/2011/1).

7. The Committee encourages the participants in the Rio+20 Conference to adopt recommendations for making not only environmental impact assessments, but also human rights assessments when policies are adopted and implemented that affect the human environment and may lead, for example, to forced displacement for ecological reasons.

8. The Committee further calls upon participants in the Rio+20 Conference to advance the integration of sustainable development and economic, social and cultural rights. To this end, it invites all participants to:

- Reaffirm the principles enunciated in the Rio Declaration on Environment and Development;
- Reaffirm the right to development;
- Ensure that the new concept of the green economy (which does not specifically incorporate social development) is intrinsically linked to the comprehensive concept of sustainable development;
- Integrate a human rights dimension into the outcome document and, in particular, refer to the rights under the Covenant.

9. The Committee remains convinced that a green economy without strong human rights linkages would not yield lasting benefits, and consequently calls upon the Rio+20 Conference to make the necessary changes to the zero draft.

B. Open letter to States parties on economic, social and cultural rights and the economic and financial crisis**

Excellencies,

I write to you, on behalf of the Committee on Economic, Social and Cultural Rights (the Committee), as representatives of States parties to the International Covenant on Economic, Social and Cultural Rights (the Covenant) and in relation to the protection of the Covenant rights in the context of the economic and financial crisis.

The Committee has observed over recent years the pressure on many States parties to embark on austerity programmes, sometimes severe, in the face of rising public deficits and poor economic growth. Decisions to adopt austerity measures are always difficult and complex, and the Committee is acutely aware that this may lead many States to take decisions with painful effects, especially when these austerity measures are taken in a recession.

However, I wish to underline that under the Covenant all States parties should avoid at all times taking decisions which might lead to the denial or infringement of economic, social and cultural rights. Besides being contrary to their obligations under the Covenant, the denial or infringement of economic, social and cultural rights by States parties to the Covenant can lead to social insecurity and political instability and have significant negative impacts, in particular, on disadvantaged and marginalized individuals and groups, such as the poor, women, children, persons with disabilities, older persons, people with HIV/AIDS, indigenous peoples, ethnic minorities, migrants and refugees. In view of the indivisibility, interdependence and interrelatedness of human rights, other human rights also are threatened in this process.

** Endorsed by the Committee on Economic, Social and Cultural Rights during its forty-eighth session.

States parties have, of course, a margin of appreciation within which to set national economic, social and cultural policies that respect, protect and fulfil the Covenant. In this context, I wish to highlight that the Covenant also provides important guideposts which can help States parties to adopt appropriate policies that deal with the economic downturn while respecting economic, social and cultural rights.

At the heart of the Covenant is the obligation on States parties to respect, protect and fulfil economic, social and cultural rights progressively, using their maximum available resources. This requires States to adopt and implement laws and policies that aim to achieve incremental improvements in universal access to basic goods and services such as health care, education, housing, social security and cultural life.

Economic and financial crises and a lack of growth impede the progressive realization of economic, social and cultural rights and can lead to regression in the enjoyment of those rights. The Committee realizes that some adjustments in the implementation of some Covenant rights are at times inevitable. States parties, however, should not act in breach of their obligations under the Covenant.

In such cases, the Committee emphasizes that any proposed policy change or adjustment has to meet the following requirements: first, the policy must be a temporary measure covering only the period of crisis. Second, the policy must be necessary and proportionate, in the sense that the adoption of any other policy, or a failure to act, would be more detrimental to economic, social and cultural rights. Third, the policy must not be discriminatory and must comprise all possible measures, including tax measures, to support social transfers to mitigate inequalities that can grow in times of crisis and to ensure that the rights of the disadvantaged and marginalized individuals and groups are not disproportionately affected. Fourth, the policy must identify the minimum core content of rights or a social protection floor, as developed by the International Labour Organization, and ensure the protection of this core content at all times.

Finally, may I highlight that international cooperation is a fundamental obligation for the progressive universal realization of economic, social and cultural rights. In this regard, the Committee has on many occasions underlined the requirement that States parties to the Covenant should respect their obligations in relation to economic, social and cultural rights when making decisions, including on official development assistance, in international financial institutions, such as the World Bank, the International Monetary Fund, regional financial institutions and regional integration organizations.

I therefore wish to express the Committee's hope that your Government will be guided by its obligations under the Covenant when developing and adopting international and regional programmes to promote economic and social development and to overcome the economic and financial crisis.

I take this opportunity to wish you every success in your endeavours and to reiterate the assurances of my highest consideration.

(*Signed*) Ariranga G. **Pillay**
Chairperson
Committee on Economic, Social
and Cultural Rights

C. Open letter to States parties on the post-2015 development agenda***

Excellencies,

I write to you, on behalf of the Committee on Economic, Social and Cultural Rights (the Committee), as representatives of States parties to the International Covenant on Economic, Social and Cultural Rights (the Covenant), in respect of the elaboration of the United Nations' post-2015 development agenda.

The Committee would like to underline the importance of the link between the post-2015 development agenda and human rights, including economic, social and cultural rights. The events of the last two years have demonstrated all too clearly the risks of not doing so. In various countries, including several of the development achievements of the previous decade, underlying repression, deprivation and inequality led to violent mass protest and ultimately undermined major parts of the development gains.

The Committee considers that linking development with human rights places the spotlight on equality and development-for-all, while reducing social and political tensions driven by discrimination and inequality; supports participation in development of and empowers individuals to have a say in development decisions; seeks improvements not only in the number of individuals accessing services but also in the quality of those services, as set out in the Covenant and sets a social protection floor which everyone has a right to access. By linking development goals to legal obligations of States under the Covenant, the responsibilities of development actors can also be better defined. This should provide additional motivation to move forward nationally on the promises made at conferences globally.

The Committee is encouraged by States' recognition in the Rio+20 Outcome of the link between human rights and development, and in particular the importance and utility of future sustainable development goals being consistent with international law, including international human rights law. In this regard, I draw your attention to the Committee's statement in the context of the Rio+20 Conference "the green economy in the context of sustainable development and poverty eradication" of May 2012 and its statement on the importance and relevance of the right to development adopted in May 2011.

It is important now to move forward on these commitments. Next year will be critical as the General Assembly elaborates the post-2015 development agenda, particularly at the Special Event on the Millennium Development Goals and through the work of the Open Working Group on Sustainable Development Goals following up on the Rio+20 Conference.

The Committee calls on all States parties to the Covenant to make an explicit link to human rights, particularly economic, social and cultural rights, in these contexts. The Committee encourages them to place the individual at the heart of the work on the post-2015 development agenda so that new development goals, as well as indicators and benchmarks to meet them, are explicitly aligned with human rights principles and treaty standards, including freedom from discrimination, equality between men and women, participation and inclusion, transparency and accountability. In particular, the Committee would like to highlight the importance of accountability and of disaggregating data, focusing, inter alia, on disadvantaged and marginalised groups, monitoring budgets and policies based on human rights obligations, and introducing appropriate tools for oversight,

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*** Endorsed by the Committee on Economic, Social and Cultural Rights during its forty-ninth session.

dialogue and peer review that will strengthen the likelihood of achieving development goals sustainably.

For its part, the Committee will remain engaged in this reflection on the post-2015 development agenda. It will continue to monitor the effects of development on the progressive realization of economic, social and cultural rights. It will draw on development data and reports in its constructive dialogue with States. If the post-2015 development agenda is explicitly linked to human rights, not only will this information be more relevant to the Committee's deliberations but the Committee could also more clearly identify development achievements as well as challenges. Through its constructive dialogue with States parties, the Committee will also encourage the latter to cooperate internationally to meet the sustainable development goals.

I take this opportunity to encourage you, as representatives of States parties to the Covenant, to play your part in drawing up a human rights-based post-2015 development agenda.

Please accept, Excellencies, the assurances of my highest consideration.

(*Signed*) Ariranga G. **Pillay**
Chairperson
Committee on Economic, Social
and Cultural Rights

Annex VII

Provisional rules of procedure under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

Procedures for the consideration of individual communications received under the Optional Protocol

Transmission of communications to the Committee
Rule 1

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications that are, or appear to be, submitted for consideration by the Committee under article 2 of the Optional Protocol.

2. The Secretary-General may request clarification from the author/s of a communication as to whether she, he or they wish to have the communication submitted to the Committee for consideration under the Optional Protocol. Where there is doubt as to the wish of the author/s, the Secretary-General will bring the communication to the attention of the Committee.

3. No communication shall be received by the Committee if it:

(a) Concerns a State that is not a party to the Optional Protocol;

(b) Is not in writing;

(c) Is anonymous.

Record and list of communications
Rule 2

1. The Secretary-General shall maintain a record of all communications submitted for consideration by the Committee under the Optional Protocol.

2. The Secretary-General shall prepare a list of the communications registered by the Committee, together with a brief summary of their contents. The full text of any such communication may be made available in the language of submission, to any member of the Committee upon request by that member.

Request for clarification or additional information
Rule 3

1. The Secretary-General may request clarification or additional information from the author/s of a communication, including:

(a) The name, address, date of birth and occupation of the author/s and verification of the author's identity;

(b) The name of the State party against which the communication is directed;

(c) The objective of the communication;

(d) The facts of the claim;

(e) Steps taken by the author/s to exhaust domestic remedies;

(f) The extent to which the same matter is being or has been examined under another procedure of international investigation or settlement;

(g) The provision or provisions of the Covenant alleged to have been violated.

2. When requesting clarification or additional information, the Secretary-General shall indicate to the author/s of the communication a time limit within which such information should be submitted.

3. The Committee may approve a questionnaire to facilitate requests for clarification or additional information from the author/s of a communication.

Authors of communications
Rule 4

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State party, claiming to be victims of a violation of any of the economic, social and cultural rights set forth in the Covenant by that State party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author/s can justify acting on their behalf without such consent.

Non-participation of a member in the examination of a communication
Rule 5

1. A member of the Committee shall not take part in the examination of a communication if:

(a) The member has a personal interest in the case;

(b) The member has participated in the making and adoption of any decision on the case covered by the communication in any capacity other than under the procedures applicable to this Optional Protocol;

(c) The member is a national of the State party concerned.

2. In deciding any question that may arise under paragraph 1 of the present rule, the member concerned shall not take part in the decision reached.

3. If a member considers that he or she should not take part or continue to take part in the examination of a communication, the member shall inform the Committee through the Chairperson of his or her decision to withdraw.

Establishment of working groups and designation of rapporteurs
Rule 6

1. In any matter related to communications under the Optional Protocol, the Committee may establish a working group and/or may designate a rapporteur to make recommendations thereon to the Committee and/or to assist it in any manner in which the Committee may decide.

2. The working group or rapporteur established under this rule shall be bound by the present rules and the Committee's rules of procedure, where applicable.

Interim measures
Rule 7

1. The Committee may, in exceptional circumstances, after the receipt of a communication and before a determination on the merits has been reached, transmit to the State party concerned, for its urgent consideration, a request that it take such interim

measures as the Committee considers necessary to avoid possible irreparable damage to the victim/s of the alleged violations.

2. When the Committee requests interim measures under this rule, the request shall state that it does not imply a determination on the admissibility or the merits of the communication.

3. The State party may present arguments at any stage of the proceedings on why the request for interim measures should be lifted or is no longer justified.

4. The Committee may withdraw a request for interim measures on the basis of submissions received from the State party and the author/s of the communication.

Order of communications
Rule 8

1. Communications shall be dealt with in the order in which they are received by the Secretary-General, unless the Committee decides otherwise.

2. The Committee may decide to consider two or more communications jointly.

3. The Committee may divide a communication and consider its parts separately, if it addresses more than one issue or it refers to persons or alleged violations not interconnected in time and place.

Method of dealing with communications
Rule 9

1. The Committee shall, by a simple majority and in accordance with the present rules, decide whether the communication is admissible or inadmissible under the Optional Protocol.

2. The decision to consider a communication admissible or inadmissible may also be taken by the Working Group established under the present rules provided that all its members so decide. The decision is subject to confirmation by the Committee plenary which may do so without formal discussion, unless a Committee member requests for such a discussion.

Procedures with regard to communications received
Rule 10

1. As soon as possible after the receipt of a communication, and provided that the individual or group of individuals consent to the disclosure of their identity to the State party concerned, the Committee, or the Committee through a working group or a rapporteur, shall bring the communication confidentially to the attention of the State party and request that the State party submit a written reply.

2. Any request made in accordance with paragraph 1 of the present rule shall include a statement indicating that such a request does not imply that any decision has been reached on the question of admissibility or the merits of the communication.

3. Within six months after receipt of the Committee's request under the present rule, the State party shall submit to the Committee written explanations or statements that relate to the admissibility and the merits of the communication, as well as to any remedy that may have been provided in the matter.

4. The Committee, or the Committee through a working group or a rapporteur, may request written explanations or statements that relate only to the admissibility of a communication but, in such cases, the State party may nonetheless submit written

explanations or statements that relate to both the admissibility and the merits of a communication within six months of the Committee's request.

5. If the State party concerned disputes the contention of the author/s, in accordance with article 3, paragraph 1, of the Optional Protocol, that all available domestic remedies have been exhausted, the State party shall give details of the remedies available to the alleged victim or victims and said to be effective in the particular circumstances of the case.

6. The Committee, or the Committee through a working group or a rapporteur, may request the State party or the author of the communication to submit, within fixed time limits, additional written explanations or statements relevant to the issues of the admissibility or merits of a communication.

7. The Committee, or the Committee through a working group or a rapporteur, shall transmit to each party the submissions made by the other party pursuant to the present rule and shall afford each party an opportunity to comment on those submissions within fixed time limits.

State party's request for consideration of the admissibility separately from the merits
Rule 11

1. A State party that has received a request for a written reply in accordance with paragraph 1 of rule 10 may submit a request in writing that the communication be rejected as inadmissible, setting out the grounds for such inadmissibility, provided that such a request is submitted to the Committee within two months of the request made under paragraph 1 of rule 10.

2. The Committee, or the Committee through a working group or a rapporteur, may decide to consider the admissibility separately from the merits.

3. Submission by the State party of a request in accordance with paragraph 1 of the present rule shall not extend the period of six months given to the State party to submit its written explanations or statements, unless the Committee, or the Committee through a working group or a rapporteur, decides to consider the admissibility separately from the merits.

Inadmissible communications
Rule 12

1. Where the Committee decides that a communication is inadmissible, it shall communicate its decision and the reasons for it, through the Secretary-General, to the author/s of the communication and to the State party concerned.

2. A decision of the Committee declaring a communication inadmissible may be reviewed by the Committee upon receipt of a written request submitted by or on behalf of the author/s indicating that the reasons for inadmissibility no longer apply.

Communications declared admissible prior to the submission of the State party's observations on merits
Rule 13

1. Decisions declaring a communication admissible prior to the submission of the State party's observations on merits shall be transmitted, through the Secretary-General, to the author/s of the communication and to the State party concerned.

2. The Committee may revoke its decision that a communication is admissible in the light of any explanation or statements submitted by the State party and the author/s.

Examination of communications on their merits
Rule 14

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee, or the Committee through a working group or a rapporteur, may consult, as appropriate, relevant documentation emanating from other United Nations bodies, specialized agencies, funds, programmes and mechanisms, and other international organizations, including from regional human rights systems that may assist in the examination of the communication, provided that the Committee shall afford each party an opportunity to comment on such third party documentation or information within fixed time limits.

2. The Committee shall formulate its Views on the communication in the light of all information made available to it in accordance with article 8, paragraph 1, of the Optional Protocol, provided that this information has been duly transmitted to the parties concerned.

3. Consideration by the Committee of information submitted by third parties, pursuant to paragraph 1 of the present rule, does not in any way imply that these third parties become a party to the proceedings.

4. The Committee may refer any communication to a working group to make recommendations to the Committee on the merits of the communication.

5. The Committee shall not decide on the merits of the communication without having considered the applicability of all of the admissibility grounds referred to in articles 2 and 3 of the Optional Protocol.

6. The Secretary-General shall transmit the Views of the Committee, together with any recommendations, to the author/s of the communication and to the State party concerned.

Friendly settlement
Rule 15

1. At the request of any of the parties, at any time after receipt of a communication and before a determination on the merits has been reached, the Committee shall make available its good offices to the parties with a view to reaching a friendly settlement of the matter said to amount to a violation of the Covenant and submitted for consideration under the Optional Protocol, on the basis of respect for the obligations set forth in the Covenant.

2. The friendly settlement procedure shall be conducted on the basis of consent of the parties.

3. The Committee may designate one or more of its members to facilitate negotiations between the parties.

4. The friendly settlement procedure shall be confidential and without prejudice to the parties' submissions to the Committee. No written or oral communication and no offer or concession made in the framework of the attempt to secure a friendly settlement may be used against the other party in the communication proceedings before the Committee.

5. The Committee may terminate its facilitation of the friendly settlement procedure if it concludes that the matter is not susceptible to reaching a resolution or any of the parties does not consent to its application, decides to discontinue it, or does not display the requisite will to reach a friendly settlement based on respect for the obligations set forth in the Covenant.

6. Once both parties have expressly agreed to a friendly settlement, the Committee shall adopt a decision with a statement of the facts and of the solution reached. The decision will be transmitted to the parties concerned and published in the Committee's annual report.

Prior to adopting that decision, the Committee shall ascertain whether the victim/s of the alleged violation have consented to the friendly settlement agreement. In all cases, the friendly settlement must be based on respect for the obligations set forth in the Covenant.

7. If no friendly settlement is reached, the Committee shall continue the examination of the communication in accordance with the present rules.

Individual opinions
Rule 16

Any member of the Committee who has participated in the decision may request that the text of his or her individual opinion be appended to the Committee's decision or Views. The Committee may fix time limits for the submission of such individual opinions.

Discontinuance of communications
Rule 17

The Committee may discontinue consideration of a communication, when inter alia the reasons for its submission for consideration under the Optional Protocol have become moot.

Follow-up to Views of the Committee and friendly settlement agreements
Rule 18

1. Within six months of the Committee's transmittal of its Views on a communication or decision that a friendly settlement has closed its consideration of a communication, the State party concerned shall submit to the Committee a written response, which shall include information on action taken, if any, in the light of the Views and recommendations of the Committee.

2. After the six-month period referred to in paragraph 1 of the present rule, the Committee may invite the State party concerned to submit further information about any measures the State party has taken in response to its Views or recommendations or in response to a friendly settlement agreement.

3. The Committee shall, through the Secretary-General, transmit the information received from the State party to the author/s of the communication.

4. The Committee may request the State party to include information on any action taken in response to its Views, recommendations or decisions closing the consideration of a communication following a friendly settlement agreement in its subsequent reports under article 16 and 17 of the Covenant.

5. The Committee shall designate for follow-up on Views adopted under article 9 of the Optional Protocol a rapporteur or working group to ascertain the measures taken by States parties to give effect to the Committee's Views, recommendations or decisions closing its consideration following a friendly settlement agreement.

6. The rapporteur or working group may make such contacts and take such action as may be appropriate for the due performance of their assigned functions and shall make such recommendations for further action by the Committee as may be necessary.

7. In addition to written representations and meetings with duly accredited representatives of the State party, the rapporteur or working Group may seek information from the author/s and victim/s of the communications and other relevant sources.

8. The rapporteur or working group shall report to the Committee on follow-up activities at each session of the Committee.

9. The Committee shall include information on follow-up activities in its annual report under article 21 of the Covenant and article 15 of the Optional Protocol.

Confidentiality of communications
Rule 19

1. Communications submitted under the Optional Protocol shall be examined by the Committee, a working group or a rapporteur in closed meetings.

2. All working documents prepared by the Secretary-General for the Committee, working group or rapporteur shall be confidential unless the Committee decides otherwise.

3. The Secretary-General, the Committee, working group or rapporteur shall not make public any communication or submissions relating to a communication prior to the date on which a decision of admissibility is issued. This is without prejudice of the Committee's prerogatives under article 8, paragraph 3, of the Optional Protocol.

4. The Committee may decide ex officio or upon request of the author/s or alleged victim/s, that the names of the author/s of a communication or the individuals who are alleged to be the victim/s of a violation of the rights set forth in the Covenant not be published in its decision of admissibility or Views or decision closing the consideration of a communication following a friendly settlement agreement.

5. The Committee, a working group or rapporteur may request the author of a communication or the State party concerned to keep confidential the whole or part of any submission or information relating to the proceedings.

6. Subject to paragraphs 4 and 5 of the present rule, nothing in this rule shall affect the right of the author/s, alleged victim/s or the State party concerned to make public any submission or information bearing on the proceedings.

7. Subject to paragraphs 4 and 5 of the present rule, the Committee's final decisions on inadmissibility and Views shall be made public.

8. The Secretary-General shall be responsible for the transmittal of the Committee's final decisions to the author/s and the State party concerned.

9. Unless the Committee decides otherwise, information related to follow-up to the Committee's Views and recommendations under article 9 of the Optional Protocol and in follow-up of a friendly settlement agreement under article 7 of the Optional Protocol shall not be confidential.

10. The Committee shall include in its annual report a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States parties concerned, and of its own suggestions and recommendations.

Protection measures
Rule 20

Where the Committee receives reliable information that a State party has not complied with its obligations under article 13 of the Optional Protocol to take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation, it may seek from the State party concerned written explanations or statements clarifying the matter and describing any action it is taking to ensure that its obligations under article 13 are fulfilled. Thereafter, the Committee may request the State party to adopt and take urgently all appropriate measures to stop the breach reported.

Proceedings under the inquiry procedure of the Optional Protocol

Applicability
Rule 21

Rules 21 to 35 of the present rules only apply to a State party that has made the declaration under article 11, paragraph 1, of the Optional Protocol.

Transmission of information to the Committee
Rule 22

In accordance with the present rules, the Secretary-General shall bring to the attention of the Committee reliable information that is received for the Committee's consideration indicating grave or systematic violations by a State party of any of the economic, social and cultural rights set forth in the Covenant.

Record of information
Rule 23

The Secretary-General shall maintain a permanent record of information brought to the attention of the Committee in accordance with rule 22 of the present rules and shall make the information available to any member of the Committee upon request.

Summary of information
Rule 24

The Secretary-General, as appropriate, shall prepare and circulate to members of the Committee a brief summary of the information received in accordance with rule 22 of the present rules.

Confidentiality
Rule 25

1. All documents and proceedings of the Committee relating to the conduct of the inquiry shall remain confidential, without prejudice to the provisions of article 11, paragraph 7 of the Optional Protocol.

2. Meetings of the Committee during which inquiries under article 11 of the Optional Protocol are considered shall be closed.

Preliminary consideration of information by the Committee
Rule 26

1. The Committee may, through the Secretary-General, ascertain the reliability of the information and/or the sources of the information brought to its attention under article 11 of the Optional Protocol. It may seek to obtain additional relevant information substantiating the facts of the situation.

2. The Committee shall determine whether the information received contains reliable information indicating grave or systematic violations of rights set forth in the Covenant by the State party concerned.

3. The Committee may designate one or more of its members to assist it in discharging its duties under the present rule.

Examination of information
Rule 27

1. If the Committee considers that the information received and/or compiled on its own initiative is reliable and appears to indicate grave or systematic violations of rights set forth in the Covenant by the State party concerned, the Committee, through the Secretary-General, shall invite the State party to submit observations with regard to that information within fixed time limits.

2. The Committee shall take into account any observations submitted by the State party concerned, as well as any other relevant information.

3. The Committee may seek to obtain additional information, inter alia, from the following:

(a) Representatives of the State party concerned;

(b) Governmental organizations;

(c) United Nations bodies, specialized agencies, funds, programmes and mechanisms;

(d) International organizations, including from regional human rights systems;

(e) National human rights institutions;

(f) Non-governmental organizations.

Establishment of an inquiry
Rule 28

1. Taking into account any observations that may have been submitted by the State party concerned, as well as other reliable information, the Committee may designate one or more of its members to conduct an inquiry and to make a report within an appropriate time limit.

2. An inquiry shall be conducted confidentially and in accordance with any modalities determined by the Committee.

3. The member or members designated by the Committee to conduct the inquiry shall determine their own methods of work, taking into account the Covenant, the Optional Protocol and the present rules.

4. During the period of the inquiry, the Committee may defer the consideration of any report that the State party concerned may have submitted pursuant to articles 16 and 17 of the Covenant.

Cooperation of the State party concerned
Rule 29

1. The Committee shall seek the cooperation of the State party concerned at all stages of an inquiry.

2. The Committee may request the State party concerned to nominate a representative to meet with the member or members designated by the Committee.

3. The Committee may request the State party concerned to provide the member or members designated by the Committee with any information that they or the State party may consider relevant to the inquiry.

Visits
Rule 30

1. Where the Committee deems it warranted, the inquiry may include a visit to the territory of the State party concerned.

2. Where the Committee decides, as a part of its inquiry, that there should be a visit to the State party concerned, it shall, through the Secretary-General, request the consent of the State party to such a visit.

3. The Committee shall inform the State party concerned of its wishes regarding the timing of the visit and the facilities required to allow the member or members designated by the Committee to conduct the inquiry to carry out their task.

Hearings
Rule 31

1. Visits may include hearings to enable the designated member or members of the Committee to determine facts or issues relevant to the inquiry.

2. The conditions and guarantees concerning any hearings held in accordance with paragraph 1 of the present rule shall be established by the designated member or members of the Committee visiting the State party in connection with an inquiry.

3. Any person appearing before the designated member or members of the Committee for the purpose of giving testimony shall make a solemn declaration as to the veracity of her or his testimony and the confidentiality of the procedure.

4. The Committee shall request that the State party take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to reprisals as a consequence of providing information or participating in any hearings or meetings in connection with an inquiry.

Assistance during an inquiry
Rule 32

1. In addition to the staff and facilities that shall be provided by the Secretary-General in connection with an inquiry, including during a visit to the State party concerned, the designated member or members of the Committee may, through the Secretary-General, invite interpreters and/or such persons with special competence in the fields covered by the Covenant, as are deemed necessary by the Committee to provide assistance at all stages of the inquiry.

2. Where such interpreters or other persons of special competence are not bound by the oath of allegiance to the United Nations, they shall be required to declare solemnly that they will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.

Transmission of findings, comments or suggestions
Rule 33

1. After examining the findings of the designated member or members submitted in accordance with rule 28 of the present rules, the Committee shall transmit the findings, through the Secretary-General, to the State party concerned, together with any comments and recommendations.

2. Such transmission of findings, comments and recommendations is without prejudice to article 11, paragraph 7, of the Optional Protocol.

3. The State party concerned shall submit its observations on the findings, comments and recommendations to the Committee, through the Secretary-General, within six months of their receipt.

Follow-up action by the State party
Rule 34

1. The Committee may, after the end of the period of six months referred to in paragraph 2 of rule 33 above, invite the State party concerned, to provide it with additional information on measures taken in response to an inquiry.

2. The Committee may request a State party that has been the subject of an inquiry to include, in its report under article 16 and 17 of the Covenant, details of any measures taken in response to the Committee's findings, comments and recommendations.

Protection measures
Rule 35

Where the Committee receives reliable information that a State party has not complied with its obligations under article 13 of the Optional Protocol to take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation, it may seek from the State party concerned written explanations or statements clarifying the matter and describing any action it is taking to ensure that its obligations under article 13 are fulfilled. Thereafter, the Committee may request the State party to adopt and take urgently all appropriate measures to stop the breach reported.

Proceedings under the inter-State communications procedure of the Optional Protocol

Declarations by States parties
Rule 36

1. Rules 36 to 46 of the present rules only apply to a State party that has made a declaration under article 10, paragraph 1, of the Optional Protocol.

2. The withdrawal of a declaration made under article 10 of the Optional Protocol shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under that article; no further communication by any State party shall be received under that article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party has made a new declaration.

Notification by the States parties concerned
Rule 37

1. A communication under article 10 of the Optional Protocol may be referred to the Committee by either State party concerned by notice given in accordance with paragraph 1 (b) of that article.

2. The notice referred to in paragraph 1 of this rule shall contain or be accompanied by information regarding:

(a) Steps taken to seek adjustment of the matter in accordance with article 10, paragraphs 1 (a) and (b), of the Optional Protocol, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;

(b) Steps taken to exhaust domestic remedies;

(c) Any other procedure of international investigation or settlement resorted to by the States parties concerned.

Record of communications
Rule 38

The Secretary-General shall maintain a record of all communications received by the Committee pursuant to article 10 of the Optional Protocol.

Information to the members of the Committee
Rule 39

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 37 of these rules and shall transmit to them as soon as possible copies of the notice and relevant information.

Meetings
Rule 40

The Committee shall examine communications under article 10 of the Optional Protocol in closed meetings.

Issue of communiqués concerning closed meetings
Rule 41

The Committee may, after consultation with the States parties concerned, issue communiqués, through the Secretary-General, for the use of the media and the general public regarding the activities of the Committee under article 10 of the Optional Protocol.

Requirements for the consideration of communications
Rule 42

A communication shall not be considered by the Committee unless:

(a) Both States parties concerned have made declarations under article 10, paragraph 1, of the Optional Protocol;

(b) The time limit prescribed in 10, paragraph 1, of the Optional Protocol has expired;

(c) The Committee has ascertained that all available and effective domestic remedies have been invoked and exhausted in the matter, or that the application of such remedies has been unreasonably prolonged.

Good offices
Rule 43

1. Subject to the provisions of rule 42 of these rules, the Committee shall proceed to make its good offices available to the States parties concerned with a view to reaching a friendly solution of the matter on the basis of respect for the obligations provided for in the Covenant.

2. For the purpose indicated in paragraph 1 of this rule, the Committee may, as appropriate, establish an ad hoc conciliation commission.

Request for information
Rule 44

The Committee may, through the Secretary-General, request the States parties concerned or either of them to submit additional information or observations orally or in writing. The Committee shall set a time limit for the submission of such written information or observations.

Attendance by the States parties concerned
Rule 45

1. The States parties concerned shall be entitled to representation when the matter is considered by the Committee and to make submissions orally and/or in writing.

2. The Committee shall, through the Secretary-General, notify the States parties concerned as early as possible of the opening date, duration and place of the session at which the matter will be examined.

3. The procedure for making oral and/or written submissions shall be decided by the Committee, after consultation with the States parties concerned.

Report of the Committee
Rule 46

1. The Committee shall adopt a report in accordance with article 10, paragraph 1 (h), of the Optional Protocol with due expediency after the date of receipt of a notice under article 10, paragraph 1 (b), of the Optional Protocol.

2. The provisions of paragraph 1 of rule 45 of these rules shall not apply to the deliberations of the Committee concerning the adoption of the report.

3. The Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.

Communiqués on the Committee's activities under the Optional Protocol
Rule 47

The Committee may issue press communiqués on its activities under the Optional Protocol for the use of the media and the general public.

Annex VIII

Decision of the Committee on Economic, Social and Cultural Rights on the proposed guidelines on the independence and impartiality of members of the human rights treaty bodies

The Committee on Economic, Social and Cultural Rights,

Upholding Economic and Social Council resolution 1985/17 of 28 May 1985,

Reaffirming its commitment to the independence and impartiality of members of the human rights treaty bodies,

Taking note with appreciation of the guidelines on the independence and impartiality of members of the human rights treaty bodies proposed by the meeting of chairpersons of the human rights treaty bodies in Addis Ababa in June 2012,

Strongly supporting the principle of independence and impartiality of its members in all of its activities and practices,

Noting that there are substantial similarities between the existing practice of the Committee and the proposed guidelines,

Decides to continue discussions on the subject, as necessary.

Annex IX

Preliminary decision of the Committee on Economic, Social and Cultural Rights on the report on strengthening the human rights treaty bodies

The Committee on Economic, Social and Cultural Rights,

Expressing its appreciation to the United Nations High Commissioner for Human Rights for her report on strengthening the United Nations human rights treaty body system[a] pursuant to General Assembly resolution 66/254 of 23 February 2012,

Noting the comprehensive range of recommendations in the report aimed at strengthening the treaty body system,

Recalling the Committee's own efforts to strengthen its functioning, including through securing adequate resourcing,

Having held an initial review of the report of the High Commissioner,

1. *Decides* to invite its members to formulate specific comments on the proposals contained therein, taking into account the particular nature and scope of its mandate, and to communicate these to the member designated as the focal point (Mr. Aslan Abashidze) by 1 March, 2013;

2. *Also decides* to request the designated member to report to the Committee during its fiftieth session, with a view to facilitating further consideration of the proposals.

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[a] A/66/860.

Annex X

List of documents before the Committee

A. List of documents before the Committee at its forty-eighth session

E/C.12/48/1	Provisional agenda and tentative programme of work of the forty-eighth session of the Committee
E/C.12/48/2	Status of ratifications and reporting
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/2008/2	Revised reporting guidelines
HRI/GEN/1/Rev.9 (vols. I and II)	Compilation of general comments and general recommendations adopted by human rights treaty bodies
HRI/GEN/2/Rev.6	Compilation of guidelines on the form and content of reports to be submitted by States parties
HRI/GEN/3/Rev.3	Compilation of rules of procedure adopted by human rights treaty bodies
E/C.12/ETH/1-3	Reports submitted by States parties to the Covenant: initial to third periodic reports of Ethiopia
E/C.12/NZL/3	Reports submitted by States parties to the Covenant: third periodic report of New Zealand
E/C.12/PER/2-4	Reports submitted by States parties to the Covenant: second to fourth periodic reports of Peru
E/C.12/SVK/2	Reports submitted by States parties to the Covenant: second periodic report of Slovakia
E/C.12/ESP/5	Reports submitted by States parties to the Covenant: fifth periodic report of Spain
HRI/CORE/ETH/2008	Core document forming part of the reports of States parties: Ethiopia
HRI/CORE/NZL/2010	Core document forming part of the reports of States parties: New Zealand
HRI/CORE/PER/2010	Core document forming part of the reports of States parties: Peru
HRI/CORE/ESP/2010	Core document forming part of the reports of States parties: Spain
E/C.12/ETH/Q/1-3	List of issues to be taken up in connection with the consideration of the initial to third periodic reports of Ethiopia

E/C.12/NZL/Q/3	List of issues to be taken up in connection with the third periodic report of New Zealand
E/C.12/PER/Q/2-4	List of issues to be taken up in connection with the consideration of the second to fourth periodic reports of Peru
E/C.12/SVK/Q/2	List of issues to be taken up in connection with the consideration of the second periodic report of Slovakia
E/C.12/ESP/Q/5	List of issues to be taken up in connection with the consideration of the fifth periodic report of Spain
E/C.12/ETH/Q/1-3/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the initial to third periodic reports of Ethiopia
E/C.12/NZL/Q/3/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the third periodic report of New Zealand
E/C.12/PER/Q/2-4/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the second to fourth period reports of Peru
E/C.12/SVK/Q/2/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the second periodic report of Slovakia
E/C.12/ESP/Q/5/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the fifth periodic report of Spain
E/C.12/ETH/CO/1-3	Concluding observations of the Committee on Economic, Social and Cultural Rights on the initial to third periodic reports of Ethiopia
E/C.12/NZL/CO/3	Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of New Zealand
E/C.12/PER/CO/2-4	Concluding observations of the Committee on Economic, Social and Cultural Rights on the second to fourth periodic reports of Peru
E/C.12/SVK/CO/2	Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Slovakia
E/C.12/ESP/CO/5	Concluding observations of the Committee on Economic, Social and Cultural Rights on the fifth periodic report of Spain

B. List of documents before the Committee at its forty-ninth session

E/C.12/49/1 and Corr.1	Provisional agenda and tentative programme of work of the forty-ninth session of the Committee
E/C.12/49/2	Status of ratifications and reporting
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/2008/2	Revised reporting guidelines
A/67/222	Report of the chairs of the human rights treaty bodies on their twenty-fourth meeting
HRI/GEN/1/Rev.9 (vols. I and II)	Compilation of general comments and general recommendations adopted by human rights treaty bodies
HRI/GEN/2/Rev.6	Compilation of guidelines on the form and content of reports to be submitted by States parties
HRI/GEN/3/Rev.3	Compilation of rules of procedure adopted by human rights treaty bodies
E/C.12/BGR/4-5	Reports submitted by States parties to the Covenant: fourth and fifth periodic reports of Bulgaria
E/C.12/ECU/3	Reports submitted by States parties to the Covenant: third periodic report of Ecuador
E/C.12/ISL/4	Reports submitted by States parties to the Covenant: fourth periodic report of Iceland
E/C.12/MRT/1	Reports submitted by States parties to the Covenant: initial report of Mauritania
E/C.12/TZA/1-3	Reports submitted by States parties to the Covenant: initial to third periodic reports of the United Republic of Tanzania
HRI/CORE/ECU/2009 and Add.1	Core document forming part of the reports of States parties: Ecuador
HRI/CORE/1/Add.26	Core document forming part of the reports of States parties: Iceland
HRI/CORE/TZA/2012	Core document forming part of the reports of States parties: United Republic of Tanzania
E/C.12/BGR/Q/4-5	List of issues to be taken up in connection with the consideration of the fourth and fifth periodic reports of Bulgaria
E/C.12/ECU/Q/3	List of issues to be taken up in connection with the consideration of the third periodic report of Ecuador

E/C.12/ISL/Q/4	List of issues to be taken up in connection with the consideration of the fourth periodic report of Iceland
E/C.12/MRT/Q/1	List of issues to be taken up in connection with the consideration of the initial report of Mauritania
E/C.12/TZA/Q/1-3	List of issues to be taken up in connection with the consideration of the initial to third periodic reports of the United Republic of Tanzania
E/C.12/COG/Q/1	List of issues prepared in the absence of the initial report of the Congo due in 1990
E/C.12/GNQ/Q/1	List of issues prepared in the absence of the initial report of Equatorial Guinea due in 1990
E/C.12/BGR/Q/4-5/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the fourth and fifth periodic reports of Bulgaria
E/C.12/ECU/Q/3/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the third periodic report of Ecuador
E/C.12/ISL/Q/4/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the fourth periodic report of Iceland
E/C.12/MRT/Q/1/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the initial report of Mauritania
E/C.12/TZA/Q/1-3/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the initial to third periodic reports of the United Republic of Tanzania
E/C.12/COG/Q/1/Add.1	Replies to the list of issues prepared in the absence of the initial report of the Congo due in 1990
E/C.12/GNQ/Q/1/Add.1	Replies to the list of issues prepared in the absence of the initial report of Equatorial Guinea due in 1990
E/C.12/BGR/CO/4-5	Concluding observations of the Committee on Economic, Social and Cultural Rights on the fourth and fifth periodic reports of Bulgaria
E/C.12/ECU/CO/3	Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Ecuador
E/C.12/ISL/CO/4	Concluding observations of the Committee on Economic, Social and Cultural Rights on the fourth periodic report of Iceland
E/C.12/MRT/CO/1	Concluding observations of the Committee on Economic, Social and Cultural Rights on the initial report of Mauritania

E/C.12/TZA/CO/1-3	Concluding observations of the Committee on Economic, Social and Cultural Rights on the initial to third periodic reports of the United Republic of Tanzania
E/C.12/COG/CO/1	Observations of the Committee on Economic, Social and Cultural Rights in the absence of the initial report of the Congo due in 1990
E/C.12/GNQ/CO/1	Observations of the Committee on Economic, Social and Cultural Rights in the absence of the initial report of Equatorial Guinea due in 1990